

Board of Housing and Community Development – Draft Proposed Regulations

VIRGINIA STATEWIDE FIRE PREVENTION CODE

13 VAC 5-51-21. Section 102.0. Applicability.

A. 102.1. General: The provisions of the SFPC shall apply to all matters affecting or relating to structures, processes and premises as set forth in Section 101.0. The SFPC shall supersede any fire prevention regulations previously adopted by a local government or other political subdivision.

B. 102.1.1. Changes: No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group of occupancies, unless such structure is made to comply with the requirements of this code and the USBC.

C. 102.2. Application to pre-1973 buildings and structures: Buildings and structures constructed prior to the USBC (1973) shall comply with the maintenance requirements of the SFPC to the extent that equipment, systems, devices, and safeguards which were provided and approved when constructed shall be maintained. Such buildings and structures, if subject to the state fire and public building regulations (Virginia Public Building Safety Regulations, VR 394-01-05) in effect prior to March 31, 1986, shall also be maintained in accordance with those regulations.

D. 102.3. Application to post-1973 buildings and structures: Buildings and structures constructed under any edition of the USBC shall comply with the maintenance requirements of the SFPC to the extent that equipment, systems, devices, and safeguards which were provided and approved when constructed shall be maintained.

E. 102.4. Referenced codes and standards: The codes and standards referenced in the IFC shall be those listed in Chapter 45 and considered part of the requirements of the SFPC to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

F. 102.5. ~~Subsequent alteration: Subsequent alteration, enlargement, repair, or conversion of the occupancy classification of structures shall be subject to the current USBC.~~

G. ~~102.6. State~~ State-owned buildings and structures: The SFPC shall be applicable to all state-owned buildings and structures in the manner and extent described in § 27-99 of the Code of Virginia and the State Fire Marshal shall have the authority to enforce this code in state-owned buildings and structures as is prescribed in Sections 27-98 and 27-99 of the Code of Virginia .

H. ~~102.7. G. 102.6.~~ Relationship to USBC: In accordance with Sections 27-34.4, 36-105.1 and 36-119.1 of the Code of Virginia, the USBC does not supersede the provisions of this code that prescribe standards to be complied with in existing buildings and structures, provided that this code shall not impose requirements that are more restrictive than those of the USBC under which the buildings or structures were constructed. Subsequent alteration, enlargement, rehabilitation, repair or conversion of the occupancy classification of such buildings and structures shall be subject to the construction and rehabilitation provisions of the USBC. Construction inspections of structures, Inspection of buildings other than state-owned structures, buildings under

construction and the review and approval of ~~their construction documents~~ building plans for these structures for enforcement of the USBC shall be the sole responsibility of the appropriate local building department inspectors .

~~I. 102.8. Existing structures:~~ Upon the completion of such structures, responsibility for fire safety protection shall pass to the local fire ~~official~~ marshal or official designated by the locality to enforce this code in those localities which enforce the SFPC or to the State Fire Marshal ~~, who shall also have the authority, in cooperation with any local governing body, to enforce this code.~~ The State Fire Marshal shall also have authority to enforce this code in those jurisdictions in localities which the local governments do not enforce this code.

~~J. 102.9. G. 102.7.~~ Inspections for USBC requirements: The fire official shall require that existing structures subject to the requirements of the applicable retrofitting provisions relating to the fire protection equipment and system requirements of the USBC, Part I, Construction, Sections 103.7 and 3411, comply with the provisions located therein.

13 VAC 5-51-31. Section 103.0. Incorporation by reference.

A. 103.1. General: The following document is adopted and incorporated by reference to be an enforceable part of the SFPC:

The International Fire Code – 2003 2006 Edition, hereinafter referred to as "IFC," published by the International Code Council, Inc., 5203 Leesburg Pike, Suite ~~708~~ 600 , Falls Church, VA 22041-3401, phone (703) - 931-4533.

B. 103.1.1. Deletion: Delete IFC Chapter 1.

C. 103.1.2. Appendices: The appendices in the IFC are not considered part of the IFC for the purposes of Section 103.1.

Note: Section 101.5 references authority contained in the Code of Virginia for local fire prevention regulations that may be evaluated by localities to determine whether provisions in the IFC appendices may be considered for local fire prevention regulations.

D. 103.2. Amendments: All requirements of the referenced codes and standards that relate to fees, permits, unsafe notices, disputes, condemnation, inspections, scope of enforcement and all other procedural, and administrative matters are deleted and replaced by the provisions of Chapter 1 of the SFPC.

E. 103.2.1. Other amendments: The SFPC contains provisions adopted by the Virginia Board of Housing and Community Development (BHCD), some of which delete, change or amend provisions of the IFC and referenced standards. Where conflicts occur between such changed provisions and the unchanged provisions of the IFC and referenced standards, the provisions changed by the BHCD shall govern.

Note: The IFC and its referenced standards contain some areas of regulation outside of the scope of the SFPC, as established by the BHCD and under state law. Where conflicts have been readily noted, changes have been made to the IFC and its referenced standards to bring it within the

scope of authority; however, in some areas, judgment will have to be made as to whether the provisions of the IFC and its referenced standards are fully applicable.

F. 103.3. International Fire Code. Retroactive fire protection system requirements contained in the IFC shall not be enforced unless specified by the USBBC.

13 VAC 5-51-41. Section 104.0. Enforcement.

A. 104.1. Local enforcement: Any local government may enforce the SFPC following official action by such body. The official action shall (i) require compliance with the provisions of the SFPC in its entirety or with respect only to those provisions of the SFPC relating to open burning, fire lanes, fireworks, and hazardous materials and (ii) assign enforcement responsibility to the local agency or agencies of its choice. Any local governing body may establish such procedures or requirements as may be necessary for the administration and enforcement of this code. If a local governing body elects to enforce only those provisions of the SFPC relating to open burning, it may do so in all or in any designated geographic areas of its jurisdiction. The terms "enforcing agency" and "fire official" are intended to apply to the agency or agencies to which responsibility for enforcement of the SFPC has been assigned. The terms "building official" or "building department" are intended to apply only to the local building official or local building department.

B. 104.1.1. Enforcement of fireworks provisions by law-enforcement officers: In accordance with § 27-100.1 of the Code of Virginia, law-enforcement officers who are otherwise authorized to enforce certain provisions of this code shall not be subject to the certification requirements of Sections 105.2 or 105.3.2.

C. 104.2. State enforcement: ~~The State Fire Marshal shall have the authority to enforce the SFPC as follows:~~

- ~~1. In cooperation with any local governing body;~~
- ~~2. In those jurisdictions in which the local governments do not enforce the SFPC; and~~
3. In all state-owned buildings and structures In accordance with Section 27-98 of the Code of Virginia, the State Fire Marshal shall also have the authority, in cooperation with any local governing body, to enforce the SFPC. The State Fire Marshal shall also have authority to enforce the SFPC in those jurisdictions in which the local governments do not enforce the SFPC and may establish such procedures or requirements as may be necessary for the administration and enforcement of the SFPC in such jurisdictions .

D. 104.3. State structures: Every agency, commission or institution of this Commonwealth, including all institutions of higher education, shall permit, at all reasonable hours, the fire official reasonable access to existing structures or a structure under construction or renovation, for the purpose of performing an informational and advisory fire safety inspection. The fire official is permitted to submit, subsequent to performing such inspection, his findings and recommendations, including a list of corrective actions necessary to ensure that such structure is reasonably safe from the hazards of fire, to the appropriate official of such agency, commission, or institution and the State Fire Marshal. Such agency, commission or institution shall notify,

within 60 days of receipt of such findings and recommendations, the State Fire Marshal and the fire official of the corrective measures taken to eliminate the hazards reported by the fire official. The State Fire Marshal shall have the same power in the enforcement of this section as is provided for in § 27-98 of the Code of Virginia. The State Fire Marshal may enter into an agreement as is provided for in § 36-139.4 of the Code of Virginia with any local enforcement agency that enforces the SFPC to enforce this section and to take immediate enforcement action upon verification of a complaint of an imminent hazard such as a chained or blocked exit door, improper storage of flammable liquids, use of decorative materials, and overcrowding.

13 VAC 5-51-81. Section 107.0. Permits.

A. 107.1. Prior notification: The fire official may require notification prior to (i) activities involving the handling, storage or use of substances, materials or devices regulated by the SFPC; (ii) conducting processes which produce conditions hazardous to life or property; or (iii) establishing a place of assembly.

B. 107.2. Permits required: Permits may be required by the fire official as permitted under the SFPC in accordance with Table 107.2, except that the fire official shall require permits for the manufacturing, storage, handling, use, and sale of explosives. An application for a permit to manufacture, store, handle, use, or sell explosives shall only be made by an individual certified as a blaster in accordance with Section 3301.4, or by a person who has been issued a background clearance card in accordance with Section 3301.2.3.1.1.

Exception: Such permits shall not be required for the storage of explosives or blasting agents by the Virginia Department of State Police provided notification to the fire official is made annually by the Chief Arson Investigator listing all storage locations.

C. Add Table 107.2 as follows:

Table 107.2. OPERATIONAL PERMIT REQUIREMENTS (to be filled in by local jurisdiction).

Description	Permit Required (yes or no)	Permit fee	Inspection fee
Aerosol products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.			
Amusement buildings. An operational permit is required to operate a special amusement building.			
Aviation facilities. An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.			
Carnivals and fairs. An operational permit is required to conduct a carnival or fair.			
Battery systems. An operational permit is required to install stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L).			
Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.			

Combustible dust-producing operations. An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.																					
Combustible fibers. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m ³). Exception: An operational permit is not required for agricultural storage.																					
Compressed gas. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed below. Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.																					
<table><tr><th colspan="2">Permit Amounts for Compressed Gases</th></tr><tr><th>Type of gas</th><th>Amount (cubic feet at NTP)</th></tr><tr><td>Corrosive</td><td>200</td></tr><tr><td>Flammable (except cryogenic fluids and liquefied petroleum gases)</td><td>200</td></tr><tr><td>Highly toxic</td><td>Any amount</td></tr><tr><td>Inert and simple asphyxiant</td><td>6,000</td></tr><tr><td>Oxidizing (including oxygen)</td><td>504</td></tr><tr><td>Toxic</td><td>Any amount</td></tr></table> <p>For SI: 1 cubic foot = 0.02832 m²</p>				Permit Amounts for Compressed Gases		Type of gas	Amount (cubic feet at NTP)	Corrosive	200	Flammable (except cryogenic fluids and liquefied petroleum gases)	200	Highly toxic	Any amount	Inert and simple asphyxiant	6,000	Oxidizing (including oxygen)	504	Toxic	Any amount		
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Covered mall buildings. An operational permit is required for: 1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall. 2. The display of liquid- or gas-fired equipment in the mall. 3. The use of open-flame or flame-producing equipment in the mall.																					
Cryogenic fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed below. Exception: Operational permits are not required for vehicles equipped for any using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.																					
<table><tr><th colspan="3">Permit Amounts for Cryogenic Fluids</th></tr><tr><th>Type of Cryogenic Fluid</th><th>Inside building (gallons)</th><th>Outside building (gallons)</th></tr><tr><td>Flammable</td><td>More than 1</td><td>60</td></tr><tr><td>Inert</td><td>60</td><td>500</td></tr><tr><td>Oxidizing (includes oxygen)</td><td>10</td><td>50</td></tr><tr><td>Physical or health hazard not indicated above</td><td>Any amount</td><td>Any amount</td></tr></table> <p>For SI: 1 gallon = 3.785 L.</p>				Permit Amounts for Cryogenic Fluids			Type of Cryogenic Fluid	Inside building (gallons)	Outside building (gallons)	Flammable	More than 1	60	Inert	60	500	Oxidizing (includes oxygen)	10	50	Physical or health hazard not indicated above	Any amount	Any amount
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Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction.																					

Dry cleaning plants. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.			
Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.			
Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosive, explosive material, fireworks, or pyrotechnic special effects within the scope of Chapter 33.			
Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes which are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public. Exception: An operational permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.			
Flammable and combustible liquids. An operational permit is required: 1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the Department of Transportation (DOTn) (see Section 3501.1.2) nor does it apply to piping systems (see Section 3503.6). 2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following: 2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire official, would cause an unsafe condition. 2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days. 3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment. 4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes. 5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used. 6. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank.			

7. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed.																																																																							
8. To manufacture, process, blend or refine flammable or combustible liquids.																																																																							
Floor finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m2) using Class I or Class II liquids.																																																																							
Fruit and crop ripening. An operational permit is required to operate a fruit-, or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.																																																																							
Fumigation and thermal insecticidal fogging. An operational permit is required to operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.																																																																							
Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed below.																																																																							
<table><tr><th colspan="2">Permit Amounts for Hazardous Materials</th></tr><tr><th>Type of material</th><th>Amount</th></tr><tr><td>Combustible liquids</td><td>See flammable and combustible liquids</td></tr><tr><td>Corrosive materials</td><td></td></tr><tr><td>Gases</td><td>See compressed gases</td></tr><tr><td>Liquids</td><td>55 gallons</td></tr><tr><td>Solids</td><td>1000 pounds</td></tr><tr><td>Explosive materials</td><td>See explosives</td></tr><tr><td>Flammable materials</td><td></td></tr><tr><td>Gases</td><td>See compressed gases</td></tr><tr><td>Liquids</td><td>See flammable and combustible liquids</td></tr><tr><td>Solids</td><td>100 pounds</td></tr><tr><td>Highly toxic materials</td><td></td></tr><tr><td>Gases</td><td>See compressed gases</td></tr><tr><td>Liquids</td><td>Any amount</td></tr><tr><td>Solids</td><td>Any amount</td></tr><tr><td>Oxidizing materials</td><td></td></tr><tr><td>Gases</td><td>See compressed gases</td></tr><tr><td>Liquids</td><td></td></tr><tr><td>Class 4</td><td>Any amount</td></tr><tr><td>Class 3</td><td>1 gallon</td></tr><tr><td>Class 2</td><td>10 gallons</td></tr><tr><td>Class 1</td><td>55 gallons</td></tr><tr><td>Solids</td><td></td></tr><tr><td>Class 4</td><td>Any amount</td></tr><tr><td>Class 3</td><td>10 pounds</td></tr><tr><td>Class 2</td><td>100 pounds</td></tr><tr><td>Class 1</td><td>500 pounds</td></tr><tr><td>Organic peroxides</td><td></td></tr><tr><td>Liquids</td><td></td></tr><tr><td>Class I</td><td>Any amount</td></tr><tr><td>Class II</td><td>Any amount</td></tr><tr><td>Class III</td><td>1 gallon</td></tr><tr><td>Class IV</td><td>2 gallons</td></tr></table>				Permit Amounts for Hazardous Materials		Type of material	Amount	Combustible liquids	See flammable and combustible liquids	Corrosive materials		Gases	See compressed gases	Liquids	55 gallons	Solids	1000 pounds	Explosive materials	See explosives	Flammable materials		Gases	See compressed gases	Liquids	See flammable and combustible liquids	Solids	100 pounds	Highly toxic materials		Gases	See compressed gases	Liquids	Any amount	Solids	Any amount	Oxidizing materials		Gases	See compressed gases	Liquids		Class 4	Any amount	Class 3	1 gallon	Class 2	10 gallons	Class 1	55 gallons	Solids		Class 4	Any amount	Class 3	10 pounds	Class 2	100 pounds	Class 1	500 pounds	Organic peroxides		Liquids		Class I	Any amount	Class II	Any amount	Class III	1 gallon	Class IV	2 gallons
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Class V	No permit required			
Solids				
Class I	Any amount			
Class II	Any amount			
Class III	10 pounds			
Class IV	20 pounds			
Class V	No permit required			
Pyrophoric materials				
Gases	See compressed gases			
Liquids	Any amount			
Solids	Any amount			
Toxic materials				
Gases	See compresses gases			
Liquids	10 gallons			
Solids	100 pounds			
Unstable (reactive) materials				
Liquids				
Class 4	Any amount			
Class 3	Any amount			
Class 2	5 gallons			
Class 1	10 gallons			
Solids				
Class 4	Any amount			
Class 3	Any amount			
Class 2	50 pounds			
Class 1	100 pounds			
Water-reactive materials				
Liquids				
Class 3	Any amount			
Class 2	5 gallons			
Class 1	55 gallons			
Solids				
Class 3	Any amount			
Class 2	50 pounds			
Class 1	500 pounds			
For SI: 1 gallon = 3.875 L, 1 pound = 0.454 kg.				
HPM facilities. An operational permit is required to store, handle or use hazardous production materials.				
High piled storage. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m ²).				
Hot work operations. An operational permit is required for hot work including, but not limited to:				
1. Public exhibitions and demonstrations where hot work is conducted.				
2. Use of portable hot work equipment inside a structure.				
Exception: Work that is conducted under a construction permit.				
3. Fixed-site hot work equipment such as welding booths.				
4. Hot work conducted within a hazardous fire area.				

5. Application of roof coverings with the use of an open-flame device.			
6. When approved, the fire official shall issue a permit to carry out a Hot Work Program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in this chapter. These permits shall be issued only to their employees or hot work operations under their supervision.			
Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 21.			
Lumber yards and woodworking plants. An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft ³) (236 m ³).			
Liquid- or gas-fueled vehicles or equipment in assembly buildings. An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.			
LP-gas. An operational permit is required for:			
1. Storage and use of LP-gas.			
Exception: An operational permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less serving occupancies in Group R-3.			
2. Operation of cargo tankers that transport LP-gas.			
Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.			
Miscellaneous combustible storage. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m ³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.			
Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.			
Exception: Recreational fires.			
Open flames and candles. An operational permit is required to remove paint with a torch; use a torch or open-flame device in a hazardous fire area; or to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.			
Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.			
Assembly/educational. An operational permit is required to operate a place of assembly/educational occupancy.			
Private fire hydrants. An operational permit is required for the removal from service, use or operation of private fire hydrants.			
Exception: An operational permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.			
Pyrotechnic special effects material. An operational permit is required for use and handling of pyrotechnic special effects material.			

Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.			
Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.			
Repair garages and service stations. An operational permit is required for operation of repair garages and automotive, marine and fleet service stations.			
Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.			
Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 15.			
Storage of scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m ³) of total volume of scrap tires and for indoor storage of tires and tire byproducts.			
Temporary membrane structures, tents and canopies. An operational permit is required to operate an air-supported temporary membrane structure or a tent. Exceptions: 1. Tents used exclusively for recreational camping purposes. 2. Tents and air-supported structures that cover an area of 900 square feet (84 m ²) or less, including all connecting areas or spaces with a common means of egress or entrance and with an occupant load of 50 or less persons. 3. Fabric canopies and awnings open on all sides which comply with all of the following: 3.1. Individual canopies shall have a maximum size of 700 square feet (65 m ²). 3.2. The aggregate area of multiple canopies placed side by side without a fire break clearance of 12 feet (3658 mm) shall not exceed 700 square feet (65 m ²) total. 3.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.			
Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.			
Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.			
Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m ³).			

D. 107.3. Application for permit: Application for a permit shall be made on forms prescribed by the fire official.

E. 107.4. Issuance of permits: Before a permit is issued, the fire official shall make such inspections or tests as are necessary to assure that the use and activities for which application is made comply with the provisions of this code.

F. 107.5. Conditions of permit: A permit shall constitute permission to store or handle materials or to conduct processes in accordance with the SFPC, and shall not be construed as authority to omit or amend any of the provisions of this code. Permits shall remain in effect until revoked or for such period as specified on the permit. Permits are not transferable.

G. 107.5.1. Special conditions for the State Fire Marshal's Office: Permits issued by the State Fire Marshal's Office for the use of explosives in special operations or under emergency conditions shall be valid for one week from the date of issuance and shall not be renewable.

H. 107.6. State Fire Marshal: Permits will not be required by the State Fire Marshal except for the manufacturing, storage, handling, use, and sale of explosives in localities not enforcing the SFPC, and for the display of fireworks on state-owned property.

Exception: Such permits shall not be required for the storage of explosives or blasting agents by the Virginia Department of State Police provided notification to the State Fire Marshal is made annually by the Chief Arson Investigator listing all storage locations within areas where enforcement is provided by the State Fire Marshal's office.

I. 107.7. Annual: The enforcing agency may issue annual permits for the manufacturing, storage, handling, use, or sales of explosives to any state regulated public utility.

J. 107.8. Approved plans: Plans approved by the fire official are approved with the intent that they comply in all respects to this code. Any omissions or errors on the plans do not relieve the applicant of complying with all applicable requirements of this code.

K. 107.9. Posting: Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire official.

L. 107.10. Suspension of permit: A permit shall become invalid if the authorized activity is not commenced within six months after issuance of the permit, or if the authorized activity is suspended or abandoned for a period of six months after the time of commencement.

M. 107.11. Revocation of permit: The fire official may revoke a permit or approval issued under the SFPC if conditions of the permit have been violated, or if the approved application, data or plans contain misrepresentation as to material fact.

N. 107.12. Local permit fees: Fees may be levied by the local governing body in order to defray the cost of enforcement and appeals under the SFPC.

O. 107.13. State explosives, blasting agents and fireworks permit fees: Fees for permits issued by the State Fire Marshal's office for the storage, use, sale or manufacture of explosives or blasting agents, and for the display of fireworks on state-owned property shall be as follows:

1. \$100 per year per magazine to store explosives and blasting agents.

2. \$150 per year per city or county to use explosives and blasting agents.
3. \$150 per year to sell explosives and blasting agents.
4. \$200 per year to manufacture explosives, blasting agents and fireworks.
5. ~~\$250~~ \$300 per day for fireworks, pyrotechnics or proximate audience displays conducted ~~indoor of~~ in any state-owned ~~buildings~~ building and ~~\$75~~ \$150 per day for each subsequent day.
6. ~~\$150~~ \$200 per day for fireworks, pyrotechnics or proximate audience displays conducted out-of-doors on any state-owned property and ~~\$75~~ \$150 per day for each subsequent day.
7. \$75 per event for the use of explosives in special operations or emergency conditions.

P. 107.14 State annual inspection permit fees. Annual fees for inspection permits issued by the State Fire Marshal's office for the inspection of buildings shall be as follows:

1. Nightclubs.

- 1.1. \$350 for occupant load of 100 or less.
- 1.2. \$450 for occupant load of 101 to 200.
- 1.3. \$500 for occupant load of 201 to 300.
- 1.4. \$500 plus \$50 for each 100 occupants where occupant loads exceed 300.

2. Private schools (kindergarten through 12th grade) and private college dormitories with or without assembly areas. If containing assembly areas, such assembly areas are not included in the computation of square footage.

- 2.1. \$150 for 3500 square feet or less.
- 2.2. \$200 for greater than 3500 square feet up to 7000 square feet.
- 2.3. \$250 for greater than 7000 square feet up to 10,000 square feet.
- 2.4. \$250 plus \$50 for each additional 3000 square feet where square footage exceeds 10,000.

3. Assembly areas which are part of private schools (kindergarten through 12th grade) or private college dormitories.

- 3.1. \$50 for 10,000 square feet or less provided the assembly area is within or attached to a school or dormitory building.

3.2. \$100 for greater than 10,000 square feet up to 25,000 square feet provided the assembly area is within or attached to a school or dormitory building, such as gymnasiums, auditoriums or cafeterias.

3.3. \$100 for up to 25,000 square feet provided the assembly area is in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.

3.4. \$150 for greater than 25,000 square feet for assembly areas within or attached to a school or dormitory building or in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.

4. Hospitals.

4.1. \$300 for 1 to 50 beds.

4.2. \$400 for 51 to 100 beds.

4.3. \$500 for 101 to 150 beds.

4.4. \$600 for 151 to 200 beds.

4.5. \$600 plus \$100 for each additional 100 beds where the number of beds exceeds 200.

Exception: Annual inspection permits for any building or groups of buildings on the same site may not exceed \$2500.

Q. 107.15. Fee schedule: The local governing body may establish a fee schedule. The schedule shall incorporate unit rates, which may be based on square footage, cubic footage, estimated cost of inspection or other appropriate criteria.

R. 107.16. Payment of fees: A permit shall not be issued until the designated fees have been paid.

Exception: The fire official may authorize delayed payment of fees.

13 VAC 5-51-91. Section 109.0. Inspection.

A. 109.1. Inspection: The fire official may inspect all structures and premises for the purposes of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with firefighting operations, endanger life, or any violations of the provisions or intent of the SFPC.

Exception: Single family dwellings and dwelling units in two family and multiple family dwellings and farm structures shall be exempt from routine inspections. This exemption shall not preclude the fire official from inspecting under § 27-98.2 of the Code of Virginia for hazardous

conditions relating to explosives, flammable and combustible conditions, and hazardous materials.

B. 109.1.1. Right to entry: The fire official may enter any structure or premises at any reasonable time to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the fire official may pursue recourse as provided by law.

Note: Specific authorization and procedures for inspections and issuing warrants are set out in §§ 27-98.1 through 27-98.5 of the Code of Virginia and shall be taken into consideration.

C. 109.1.2. Credentials: The fire official and technical assistants shall carry proper credentials of office when inspecting in the performance of their duties under the SFPC.

D. 109.2. Coordinated inspections: The fire official shall coordinate inspections and administrative orders with any other state and local agencies having related inspection authority, and shall coordinate those inspections required by the USBC for new construction when involving provisions of the amended IFC, so that the owners and occupants will not be subjected to numerous inspections or conflicting orders.

Note: The USBC requires the building official to coordinate such inspections with the fire official.

E. 109.3. Other inspections: In accordance with § 36-139.3 of the Code of Virginia, the State Fire Marshal , upon presenting proper credentials, shall make annual inspections for hazards incident to fire in all (i) residential care facilities operated by any state agency ; , (ii) ~~adult care residences~~ assisted living facilities licensed or subject to licensure ~~under pursuant to Chapter 9 18 (§ 63.1-172 63.2-1800 et seq.) of Title 63.1 63.2~~ of the Code of Virginia which are not inspected by a local fire marshal ; , (iii) student - residence facilities owned or operated by the public institutions of higher education in the Commonwealth ; , and (iv) public schools in the Commonwealth which are not inspected by a local fire marshal. In the event that any such facility or residence is found to be nonconforming to the SFPC, the State Fire Marshal or local fire marshal may petition any court of competent jurisdiction for the issuance of an injunction.

13 VAC 5-51-130. IFC Section 202.0. Definitions.

A. Add the following definitions:

Background clearance card: See Section 3301.0.

Blaster, restricted: See Section 3301.0.

Blaster, unrestricted: See Section 3301.0.

DHCD: The Virginia Department of Housing and Community Development.

Local government, local governing body or locality: The governing body of any county, city, or town, other political subdivision and state agency in this Commonwealth charged with the enforcement of the SFPC under state law.

Night club: Any building or portion thereof in which the main use is a place of public assembly that provides exhibition, performance or other forms of entertainment; serves alcoholic beverages; and provides music and space for dancing.

State Fire Marshal: The State Fire Marshal as provided for by § 36-139.2 of the Code of Virginia.

State Regulated Care Facility (SRCF): A building or part thereof occupied by persons in the care of others where program regulatory oversight is provided by the Virginia Department of Social Services; Virginia Department Mental Health, Mental Retardation and Substance Abuse Services; Virginia Department of Education or Virginia Department of Juvenile Justice (Groups R-2, R-3, R-4 and R-5).

Technical Assistant: Any person employed by or under an extended contract to a local enforcing agency for enforcing the SFPC. For the purposes of this definition, an extended contract shall be a contract with an aggregate term of 18 months or longer.

TRB: The Virginia State Building Code Technical Review Board.

USBC: The Virginia Uniform Statewide Building Code (13VAC5-63).

B. Add the following definition under the term "Occupancy Classification – Residential Group R":

R-5 Detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures. The terms "R-5" and "one and two-family dwelling" where used in this code shall be interchangeable.

C. Change the following definition to read:

~~Code official, fire official or~~ Fire code official: The officer or other designated authority charged with administration and enforcement of this code, or a duly authorized representative. For the purpose of this code, the ~~term~~ terms "code official ; " and "fire official ; " ~~or "fire code official"~~ shall have the same meaning as ~~used the term~~ "fire code official" and, ~~in addition, such official~~ shall have the powers outlined in § 27-98.1 of the Code of Virginia.

13 VAC 5-51-132. IFC Chapter 4. Emergency Planning and Preparedness.

A. Add Section 401.1.1 to read:

401.1.1. State Regulated Care Facilities: when a state license is required by the Virginia Department of Social Services; Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services; Virginia Department of Education; or Virginia Department of Juvenile Justice to operate, SRCF shall comply with this section and the provisions of Section 404.0.

B. Add item ~~12~~ 14 to Section 404.2 to read:

~~12.~~ 14. SRCF.

C. Add exception to Section 405.1 to read:

Exception: Emergency evacuation drills shall not be conducted in school buildings during periods of mandatory testing required by the Virginia Board of Education.

D. Add the following category to Table 405.2 to read:

Group or occupancy	Frequency	Participation
SRCF	Monthly	All occupants

E. Add Section 405.2.1 to read:

405.2.1. High-rise buildings. Fire exit drills shall be conducted annually by building staff personnel or the owner of the building in accordance with the fire safety plan and shall not affect other current occupants.

F. Add Section 408.1.1 to read:

408.1.1. Maintaining occupant load posting. Occupant load postings required by the building code are required to be maintained.

G. Change Section 408.2 to read:

408.2. Group A occupancies. Group A occupancies shall comply with applicable requirements of Sections 408.2.1 through 408.2.3 and 401 through 406.

H. Add Sections 408.2.3, 408.2.3.1 and 408.2.3.2 to read:

408.2.3. Night clubs. Night clubs shall comply with Sections 408.2.3.1 and 408.2.3.2.

408.2.3.1. Audible announcements. Audible announcements shall be made to the occupants no longer than 10 minutes prior to the start of the entertainment and at each intermission to notify the occupants of the location of the exits to be used in the event of a fire or other emergency.

408.2.3.2. Occupant load count. Upon request of the fire code official, the owner or operator, or both, will be required to keep a running count of the occupant load to provide to the fire code official during performance hours of operation, entertainment hours of operation, or both.

13 VAC 5-51-133.5. IFC Chapter 6. Building Services and Systems.

A. ~~Change Section 603.5.2 to read:~~

~~603.5.2. Heating appliance installation and maintenance. Heating appliances shall be installed and maintained in accordance with the manufacturer's instructions, the International Building~~

~~Code, the International Mechanical Code, the International Fuel Gas Code and the ICC Electrical Code.~~

~~B.~~ Add a note to Section 603.7 to read:

Note: The fire code official may request a copy of the latest certificate of inspection from the Virginia Department of Labor and Industry for boilers and pressure vessels subject to such requirements. When the certificate is not available, the fire code official shall notify the Department of Labor and Industry to ensure that the required maintenance and testing is performed in accordance the Virginia Boiler and Pressure Vessel Regulations (16 VAC 25-50).

13 VAC 5-51-134. IFC Chapter 8. Interior Finish, Decorative Materials and Furnishings.

~~Change~~ Add exception 3 to Section ~~804.1.1~~ 806.1.1 to read:

~~804.1.1. Restricted occupancies. Natural cut trees shall be prohibited in Group A, E, I-1, I-2, I-3, I-4, M, R-1, R-2 and R-4 occupancies.~~

~~Exceptions:~~

- ~~1. Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Groups A, E, M, R-1 and R-2.~~
- ~~2. Trees shall be permitted within dwelling units in Group R-2 occupancies.~~
3. Trees shall be permitted in places of worship in Group A occupancies.

13 VAC 5-51-135. IFC Chapter 9. Fire Protection Systems.

A. Change Section 901.4.2 to read:

901.4.2. Nonrequired fire protection systems. Nonrequired fire protection systems shall be maintained to function as originally installed. If any such systems are to be reduced in function or discontinued, approval shall be obtained from the building official in accordance with Section 103.8.1 of Part I of the USBC.

B. Delete Section 901.4.3.

C. Change Section 901.6 to read:

901.6. Inspection, testing and maintenance. To the extent that equipment, systems, devices, and safeguards, such as fire detection, alarm and extinguishing systems, which were provided and approved by the building official when constructed, shall be maintained in an operative condition at all times. And where such equipment, systems, devices, and safeguards are found not to be in an operative condition, the fire official shall order all such equipment to be rendered safe in accordance with the USBC.

~~Exception:~~ D. Add Section 901.10 to read:

901.10. Defective equipment. When the fire official determines through investigation or testing or reports by a nationally recognized testing agency that specific, required water sprinkler or water-spray extinguishing equipment has been identified as failing to perform or operate through not less than 30 randomly selected sprinkler heads at four or more building sites anywhere in the nation, the fire official shall order all such equipment to be rendered safe.

~~D.~~ E. Change the following definition in Section 902 to read:

Automatic fire-extinguishing system. An approved system of devices and equipment which automatically detects a fire and discharges an approved fire-extinguishing agent onto or in the area of a fire. Such system shall include an automatic sprinkler system, unless otherwise expressly stated.

~~E.~~ F. Change item 1 in Section 906.1 to read:

1. In Group A, B, E, F, H, I, M, R-1, R-4 and S occupancies.

~~F.~~ G. Add a note to Section 906.1 to read:

Note: In existing buildings, whether fire extinguishers are needed is determined by the USBC or other code in effect when such buildings were constructed.

~~G. Change Section 906.2 to read:~~

~~906.2. General requirements. Fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10.~~

~~Exceptions:~~

- ~~1. The travel distance to reach an extinguisher shall not apply to the spectator seating portions of Group A-5 occupancies.~~
- ~~2. The use of a supervised, listed electronic monitoring device shall be allowed in lieu of 30-day interval inspections, when approved.~~

H. Change Section 907.20.2 to read:

907.20.2. Testing. Testing shall be performed in accordance with the schedules in Chapter 7 of NFPA 72 or more frequently where required by the fire code official. Where automatic testing is performed at least weekly by a remotely monitored fire alarm control unit specifically listed for the application, the manual testing frequency shall be permitted to be extended to annual. In Group R-1 occupancies, battery-powered single station smoke detectors shall be tested and inspected at one-month intervals.

Exception: Devices or equipment that are inaccessible for safety considerations shall be tested during scheduled shutdowns where approved by the fire code official, but not less than every 18 months.

13 VAC 5-51-145. IFC Chapter 27. Hazardous Materials – General Provisions.

A. ~~Add exception 10 to Section 2701.1 to read:~~

~~10. The use of wall-mounted dispensers containing nonaerosol alcohol-based hand rubs classified as Class I or Class II liquids when in accordance with Section 3405.5.~~

~~B.~~ Change Section 2701.5.1 to read:

2701.5.1. Hazardous Materials Management Plan. Where required by the fire code official, each application for a permit shall include a Hazardous Materials Management Plan (HMMP). The HMMP shall be maintained onsite for use by emergency responders, and shall be updated not less than annually. The HMMP shall include a facility site plan designating the following:

1. Storage and use areas.
2. Maximum amount of each material stored or used in each area.
3. Range of container sizes.
4. Locations of emergency isolation and mitigation valves and devices.
5. Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines.
6. On and off positions of valves for valves that are of the self-indicating type.
7. Storage plan showing the intended storage arrangement, including the location and dimensions of aisles.
8. The location and type of emergency equipment. The plans shall be legible and drawn approximately to scale. Separate distribution systems are allowed to be shown on separate pages.

~~C.~~ B. Change Section 2701.5.2 to read:

2701.5.2. Hazardous Materials Inventory Statement (HMIS). Where required by the fire code official, an application for a permit shall include an HMIS, such as SARA (Superfund Amendments and Reauthorization Act of 1986) Title III, Tier II Report, or other approved statement. The HMIS shall be maintained onsite or readily available through another means where approved by the fire code official for use by temporary responders, and shall be updated not less than annually. The HMIS shall include the following information:

1. Manufacturer's name.

2. Chemical name, trade names, hazardous ingredients.
3. Hazard classification.
4. MSDS or equivalent.
5. United Nations (UN), North America (NA) or the Chemical Abstract Service (CAS) identification number.
6. Maximum quantity stored or used on-site at one time.
7. Storage conditions related to the storage type, temperature and pressure.

~~D.~~ C. Add Sections 2701.5.3, 2701.5.3.1 and 2701.5.3.2 to read:

2701.5.3. Repository container. When a HMMP or HMIS is required, the owner or operator shall provide a repository container (lock box) or other approved means for the storage of items required in Sections 2701.5.1 and 2701.5.2 so as to be readily available to emergency response personnel.

2701.5.3.1. Location and identification. The repository container (lock box) shall be located, installed and identified in an approved manner.

2701.5.3.2. Keying. All repository containers (lock boxes) shall be keyed as required by the fire code official.

~~E.~~ D. Change Section 2703.3.1.4 to read:

2703.3.1.4. Responsibility for cleanup. The person, firm or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the jurisdiction. The fire code official may require records and receipts to verify cleanup and proper disposal of unauthorized discharges. When deemed necessary by the fire code official, cleanup may be initiated by the fire department or by an authorized individual or firm. Costs associated with such cleanup shall be borne by the owner, operator or other person responsible for the unauthorized discharge.

13 VAC 5-51-150. IFC Chapter 33. Explosives and Fireworks.

A. Change exception 4 in Section 3301.1 to read:

4. The possession, storage, and use of not more than 15 pounds (6.81 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder and any amount of small arms primers for hand loading of small arms ammunition for personal consumption.

B. Add exceptions 10, 11 and 12 to Section 3301.1 to read:

10. The storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1 of the Code of Virginia.

11. The display of small arms primers in Group M when in the original manufacturer's packaging.

12. The possession, storage and use of not more than 50 pounds (23 kg) of commercially manufactured sporting black powder, 100 pounds (45 kg) of smokeless powder, and small arms primers for hand loading of small arms ammunition for personal consumption in Group R-3 or R-5, or 200 pounds (91 kg) of smokeless powder when stored in the manufacturer's original containers in detached Group U structures at least 10 feet (3048 mm) from inhabited buildings and are accessory to Group R-3 or R-5.

C. Change exception 4 in Section 3301.1.3 to read:

4. The possession, storage, sale, handling and use of permissible fireworks where allowed by applicable local or state laws, ordinances and regulations provided such fireworks comply with CPSC 16 CFR, Parts 1500-1507, and DOTn 49 CFR, Parts 100-178, for consumer fireworks.

D. Add exception 5 to Section 3301.1.3 to read:

5. The sale or use of materials or equipment when such materials or equipment is used or to be used by any person for signaling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property.

E. Change entire Section 3301.2 to read:

3301.2. Permit required. Permits shall be required as set forth in Section 107.2 and regulated in accordance with this section. The manufacture, storage, possession, sale and use of fireworks or explosives shall not take place without first applying for and obtaining a permit.

3301.2.1. Residential uses. No person shall keep or store, nor shall any permit be issued to keep, possess or store, any fireworks or explosives at any place of habitation, or within 100 feet (30,480 mm) thereof.

Exception: Storage of smokeless propellant, black powder, and small arms primers for personal use and not for resale in accordance with Section 3306.

3301.2.2. Sale and retail display. Except for the Armed Forces of the United States, Coast Guard, National Guard, federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities, explosives shall not be sold, given, delivered or transferred to any person or company not in possession of a valid permit. The holder of a permit to sell explosives shall make a record of all transactions involving explosives in conformance with Section 3303.2 and include the signature of any receiver of the explosives. No person shall construct a retail display nor offer for sale explosives, explosive materials, or fireworks upon highways, sidewalks, public property, or in assembly or educational occupancies.

3301.2.3. Permit restrictions. The fire official is authorized to limit the quantity of explosives, explosive materials, or fireworks permitted at a given location. No person, possessing a permit for storage of explosives at any place, shall keep or store an amount greater than authorized in such permit. Only the kind of explosive specified in such a permit shall be kept or stored.

3301.2.3.1. Permit applicants. The fire official shall not issue a permit to manufacture, store, handle, use or sell explosives or blasting agents to any individual applicant who is not certified by the DHCD as a blaster in accordance with Section 3301.4.1, or who is not in the possession of a background clearance card or to designated persons representing an applicant that is not an individual and who is not in possession of a background clearance card issued in accordance with Section 3301.2.3.1.1. The DHCD shall process all applications for a background clearance card for compliance with § 27-97.2 of the Code of Virginia and will be the sole provider of background clearance cards.

3301.2.3.1.1. Background clearance card: A background clearance card may be issued upon completion of the following requirements:

1. Any firm or company manufacturing, storing, using or selling explosives in the Commonwealth shall provide the name of a designated person or persons who will be a representative of the company and be responsible for (i) ensuring compliance with state law and regulations relating to blasting agents and explosives and (ii) applying for permits from the fire official.
2. Using a form provided by the DHCD, all individual applicants and all designated persons representing an applicant that is not an individual, shall submit to a background investigation, to include a national criminal history record check, for a permit to manufacture, store, handle, use or sell explosives, and for any applicant for certification as a blaster.
3. Each such applicant shall submit fingerprints and provide personal descriptive information to the DHCD to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history record check regarding such applicant.

3301.2.3.1.2. Issuance of a background clearance card: The issuance of a background clearance card shall be denied if the applicant or designated person representing an applicant has been convicted of any felony, whether such conviction occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, unless his civil rights have been restored by the Governor or other appropriate authority.

3301.2.3.1.3. Fee for background clearance card: The fee for obtaining or renewing a background clearance card from DHCD shall be \$150 plus any additional fees charged by other agencies for fingerprinting and for obtaining a national criminal history record check through the Central Criminal Records Exchange to the Federal Bureau of Investigation.

3301.2.3.1.4. Revocation of a background clearance card: After issuance of a background clearance card, subsequent conviction of a felony will be grounds for immediate revocation of a

background clearance card, whether such conviction occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof. The card shall be returned to the DHCD immediately. An individual may reapply for his background clearance card if his civil rights have been restored by the Governor or other appropriate authority.

3301.2.4. Financial responsibility. Before a permit is issued, as required by Section 3301.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$500,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The legal department of the jurisdiction may specify a greater amount when conditions at the location of use indicate a greater amount is required. Government entities shall be exempt from this bond requirement.

3301.2.4.1. Blasting. Before approval to do blasting is issued, the applicant for approval shall file a bond or submit a certificate of insurance in such form, amount, and coverage as determined by the legal department of the jurisdiction to be adequate in each case to indemnify the jurisdiction against any and all damages arising from permitted blasting but in no case shall the value of the coverage be less than \$500,000.

Exception: Filing a bond or submitting a certificate of liability insurance is not required for blasting on real estate parcels of five or more acres conforming to the definition of "real estate devoted to agricultural use" or "real estate devoted to horticultural use" in § 58.1-3230 of the Code of Virginia and conducted by the owner of such real estate.

3301.2.4.2. Fireworks display. The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the legal department of the jurisdiction for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors.

F. Change entire Section 3301.4 to read:

3301.4. Qualifications. Persons in charge of magazines, blasting, fireworks display, or pyrotechnic special effect operations shall not be under the influence of alcohol or drugs which impair sensory or motor skills, shall be at least 21 years of age and possess knowledge of all safety precautions related to the storage, handling or use of explosives, explosive materials or fireworks.

3301.4.1. Certification of blasters. Certificates as a restricted or unrestricted blaster will be issued upon proof of successful completion of an examination approved by the DHCD and a background investigation for compliance with § 27-97.2 of the Code of Virginia. The applicant for certification shall submit proof to the DHCD of the following experience:

1. For certification as a restricted blaster, at least one year under direct supervision by a certified unrestricted blaster, certified restricted blaster or other person(s) approved by the DHCD.

2. For certification as an unrestricted blaster, at least one year under direct supervision by a certified unrestricted blaster or other person or persons approved by the DHCD.

The DHCD shall process all certification applicants for compliance with § 27-97.2 of the Code of Virginia and will be the sole provider of blaster certifications.

Exception: The owner of real estate parcels of five or more acres conforming to the definition of "real estate devoted to agricultural use" or "real estate devoted to horticultural use" in § 58.1-3230 of the Code of Virginia when blasting on such real estate.

3301.4.2. Certification issuance. The issuance of a certification as a blaster shall be denied if the applicant has been convicted of any felony, whether such conviction occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, unless his civil rights have been restored by the Governor or other appropriate authority.

3301.4.3. Fee for certification. The fee for obtaining or renewing a blaster certificate from DHCD shall be \$150 plus any additional fees charged by other agencies for fingerprinting and for obtaining a national criminal history record check through the Central Criminal Records Exchange to the Federal Bureau of Investigation.

3301.4.4. Revocation of a blaster certification. After issuance of a blaster certification, subsequent conviction of a felony will be grounds for immediate revocation of a blaster certification, whether such conviction occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof. The certification shall be returned to DHCD immediately. An individual may subsequently reapply for his blaster certification if his civil rights have been restored by the Governor or other appropriate authority.

3301.4.5. Expiration and renewal of a blaster certification. A certificate for an unrestricted or restricted blaster shall be valid for three years from the date of issuance. A background clearance card shall be valid for three years from the date of issuance. Renewal of the unrestricted blaster certificate will be issued upon proof of at least 16 hours of continued training or education in the use of explosives within three consecutive years and a background investigation for compliance with § 27-97.2 of the Code of Virginia. Renewal of the restricted blaster certificate will be issued upon proof of at least eight hours of continued training or education in the use of explosives within three consecutive years and a background investigation for compliance with § 27-97.2 of the Code of Virginia. The continued training or education required for renewal of a blaster certificate shall be obtained during the three years immediately prior to the certificate's published expiration date. Failure to renew a blaster certificate in accordance with this section shall cause an individual to obtain another blaster certificate upon compliance with Section 3301.4.1 to continue engaging in the unsupervised use of explosives.

G. Change Section 3301.7 to read:

3301.7. Seizure. The fire official is authorized to remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, fireworks offered or exposed for sale, stored, possessed or used in violation of this chapter.

H. Add the following definitions to Section 3302.1 to read:

Background clearance card. An identification card issued to an individual who is not a certified blaster and is representing himself or acting as a representative of a company, corporation, firm or other entity, solely for the purpose of submitting an application to the fire official for a permit to manufacture, use, handle, store, or sell explosive materials.

Blaster, restricted. Any person engaging in the use of explosives or blasting agents utilizing five pounds (2.25 kg) or less per blasting operation and using instantaneous detonators.

Blaster, unrestricted. Any person engaging in the use of explosives or blasting agents without limit to the amount of explosives or blasting agents or type of detonator.

Permissible fireworks. Any sparklers, fountains, Pharaoh's serpents, caps for pistols, or pinwheels commonly known as whirligigs or spinning jennies.

I. Change the following definitions in Section 3302.1 to read:

Fireworks. Any firecracker, torpedo, skyrocket, or other substance or object, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended, or commonly known, as fireworks and that explodes, rises into the air or travels laterally, or fires projectiles into the air. Fireworks shall not include automobile flares, paper caps containing not more than an average of 0.25 grain (16 mg) of explosive content per cap or toy pistols, toy canes, toy guns or other devices utilizing such caps and items commonly known as party poppers, pop rocks and snap-n-pops. Fireworks may be further delineated and referred to as:

Fireworks, 1.4G. (Formerly known as Class C, Common Fireworks.) Small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion. Such 1.4G fireworks that comply with the construction, chemical composition, and labeling regulations of the DOTn for Fireworks, UN 0336, and the U.S. Consumer Product Safety Commission as set forth in CPSC 16 CFR: Parts 1500 and 1507, are not explosive materials for the purpose of this code.

Fireworks, 1.3G. (Formerly Class B, Special Fireworks.) Large fireworks devices, which are explosive materials, intended for use in fireworks displays and designed to produce audible or visible effects by combustion, deflagration, or detonation. Such 1.3G fireworks include, but are not limited to, firecrackers containing more than 130 milligrams (2 grains) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces that exceed the limits for classification as 1.4G fireworks. Such 1.3G fireworks are also described as Fireworks, UN0335 by the DOTn.

Smokeless propellants. Solid propellants, commonly referred to as smokeless powders or any propellant classified by DOTn as a smokeless propellant in accordance with "NA3178, Smokeless Powder for Small Arms," used in small arms ammunition, firearms, cannons, rockets, propellant-actuated devices, and similar articles.

J. Change Section 3305.1 to read:

3305.1. General. The manufacture, assembly and testing of explosives, ammunition, blasting agents and fireworks shall comply with the requirements of this section, Title 59.1, Chapter 11 of the Code of Virginia, and NFPA 495 or NFPA 1124.

Exceptions:

1. The hand loading of small arms ammunition prepared for personal use and not offered for resale.
2. The mixing and loading of blasting agents at blasting sites in accordance with NFPA 495.
3. The use of binary explosives or phosphoric materials in blasting or pyrotechnic special effects applications in accordance with NFPA 495 or NFPA 1126.

K. Add Section 3305.1.1 to read:

3305.1.1. Permits. Permits for the manufacture, assembly and testing of explosives, ammunition, blasting agents and fireworks shall be required as set forth in Section 107.2 and regulated in accordance with this section. A permit to manufacture any explosive material in any quantity shall be prohibited unless such manufacture is authorized by a federal license and conducted in accordance with recognized safety practices.

L. Change Section 3306.4 to read:

3306.4. Storage in residences. Propellants for personal use in quantities not exceeding 50 pounds (23 kg) of black powder or 100 pounds (45 kg) of smokeless powder shall be stored in original containers in occupancies limited to Group R-3 and R-5, or 200 pounds (91 kg) of smokeless powder when stored in the manufacturer's original containers in detached Group U structures that are at least 10 feet from inhabited buildings and are accessory to Group R-3 or R-5. In other than Group R-3 or R-5, smokeless powder in quantities exceeding 20 pounds (9 kg) but not exceeding 50 pounds (23 kg) shall be kept in a wooden box or cabinet having walls of at least one inch (25 mm) nominal thickness or equivalent.

M. Delete Sections 3306.4.1 and 3306.4.2.

N. Change Section 3306.5.1.1 to read:

3306.5.1.1. Smokeless propellant. No more than 100 pounds (45 kg) of smokeless propellants, in containers of 8 pounds (3.6 kg) or less capacity, shall be displayed in Group M occupancies.

O. Delete Section 3306.5.1.3.

P. Change Section 3306.5.2.1 to read:

3306.5.2.1 Smokeless propellant. Commercial stocks of smokeless propellants shall be stored as follows:

1. Quantities exceeding 20 pounds (9 kg), but not exceeding 100 pounds (45 kg) shall be stored in portable wooden boxes having walls of at least one inch (25 mm) nominal thickness or equivalent.

2. Quantities exceeding 100 pounds (45 kg), but not exceeding 800 pounds (363 kg), shall be stored in storage cabinets having walls at least one inch (25 mm) nominal thickness or equivalent. Not more than 400 pounds (182 kg) shall be stored in any one cabinet, and cabinets shall be separated by a distance of at least 25 feet (7620 mm) or by a fire partition having a fire-resistance rating of at least one hour.

3. Storage of quantities exceeding 800 pounds (363 kg), but not exceeding 5,000 pounds (2270 kg) in a building shall comply with all of the following:

3.1. The storage is inaccessible to unauthorized personnel.

3.2. Smokeless propellant shall be stored in nonportable storage cabinets having wood walls at least one inch (25 mm) nominal thickness or equivalent and having shelves with no more than three feet (914 mm) of vertical separation between shelves.

3.3. No more than 400 pounds (182 kg) is stored in any one cabinet.

3.4. Cabinets shall be located against walls with at least 40 feet (12 192 mm) between cabinets. The minimum required separation between cabinets may be reduced to 20 feet (6096 mm) provided that barricades twice the height of the cabinets are attached to the wall, midway between each cabinet. The barricades must extend a minimum of 10 feet (3048 mm) outward, be firmly attached to the wall, and be constructed of steel not less than 0.25 inch thick (6.4 mm), two-inch (51 mm) nominal thickness wood, brick, or concrete block.

3.5. Smokeless propellant shall be separated from materials classified as combustible liquids, flammable liquids, flammable solids, or oxidizing materials by a distance of 25 feet (7620 mm) or by a fire partition having a fire-resistance rating of one hour.

3.6. The building shall be equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1.

4. Smokeless propellants not stored according to Item 1, 2, or 3 above shall be stored in a Type 2 or 4 magazine in accordance with Section 3304 and NFPA 495.

Q. ~~Change Section 3306.5.2.3 to read:~~

~~3306.5.2.3 Small arms primers. Commercial stocks of small arms primers shall be stored as follows:~~

~~1. Quantities not to exceed 750,000 small arms primers stored in a building shall be arranged such that not more than 100,000 small arms primers are stored in any one pile and piles are at least 15 feet (4572 mm) apart.~~

~~2. Quantities exceeding 750,000 small arms primers stored in a building shall comply with all of the following:~~

~~2.1. The warehouse or storage building shall not be accessible to unauthorized personnel.~~

~~2.2. Small arms primers shall be stored in cabinets. No more than 200,000 small arms primers shall be stored in any one cabinet.~~

~~2.3. Shelves in cabinets shall have vertical separation of at least two feet (610 mm).~~

~~2.4. Cabinets shall be located against walls of the warehouse or storage room with at least 40 feet (12 192 mm) between cabinets. The minimum required separation between cabinets may be reduced to 20 feet (6096 mm) provided that barricades twice the height of the cabinets are attached to the wall, midway between each cabinet. The barricades shall be firmly attached to the wall, and shall be constructed of steel not less than 0.25 inch thick (6.4 mm), two-inch (51 mm) nominal thickness wood, brick, or concrete block.~~

~~2.5. Small arms primers shall be separated from materials classified as combustible liquids, flammable liquids, flammable solids, or oxidizing materials by a distance of 25 feet (7620 mm) or by a fire partition having a fire resistance rating of one hour.~~

~~2.6. The building shall be protected throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1.~~

~~3. Small arms primers not stored in accordance with Item 1 or 2 of this section shall be stored in a magazine meeting the requirements of Section 3304 and NFPA 495.~~

R. Change Section 3307.1 to read:

3307.1. General. Blasting operations shall be conducted only by persons certified by the DHCD as a restricted or unrestricted blaster or shall be supervised on-site by a person properly certified by the DHCD as restricted or unrestricted blaster.

S. R. Add Section 3307.16 to read:

3307.16. Blast records. A record of each blast shall be kept and retained for at least five years and shall be available for inspection by the code official. The record shall contain the following minimum data:

1. Name of contractor;
2. Location and time of blast;
3. Name of certified blaster in charge;
4. Type of material blasted;

5. Number of holes bored and spacing;
6. Diameter and depth of holes;
7. Type and amount of explosives;
8. Amount of explosive per delay of 8 milliseconds or greater;
9. Method of firing and type of circuit;
10. Direction and distance in feet to nearest dwelling, public building, school, church, commercial or institutional building;
11. Weather conditions;
12. Whether or not mats or other precautions were used;
13. Type of detonator and delay period;
14. Type and height of stemming; and
15. Seismograph record when utilized.

Exception: Subdivisions 8 and 13 of this section are not applicable to restricted blasters.

~~T. S.~~ Add exception to Section 3308.2 to read:

Exception: Permits are not required for the supervised use or display of permissible fireworks on private property with the consent of the owner of such property.

~~U. T.~~ Delete Section 3308.11.

~~13 VAC 5-51-152. IFC Chapter 34. Flammable and Combustible Liquids. (Repealed.)~~

~~A. Add the following definition to Section 3402.1 to read:~~

~~Alcohol-based hand rub. An alcohol-containing preparation designed for application to the hands for reducing the number of viable microorganisms on the hands and containing ethanol or isopropanol in an amount not exceeding 70% by volume.~~

~~B. Add Section 3405.5 to read:~~

~~3405.5. Alcohol-based hand rubs classified as Class I or Class II liquids. The use of wall-mounted dispensers containing nonaerosol, alcohol-based hand rubs classified as Class I or Class II liquids shall be in accordance with the following:~~

- ~~1. When located in a corridor, the minimum corridor width shall be 72 inches (1829 mm).~~

- ~~2. The maximum capacity of each dispenser shall be 41 ounces (1.2 L).~~
- ~~3. The minimum separation between dispensers shall be 48 inches (1219 mm).~~
- ~~4. The dispensers shall not be installed directly adjacent to, directly above or below an electrical receptacle, switch, appliance, device or other ignition source. The wall space between the dispenser and the floor shall remain clear and unobstructed.~~
- ~~5. Dispensers shall be mounted so that the bottom of the dispenser is a minimum of 42 inches (1067 mm) and a maximum of 48 inches (1219 mm) above finished floor.~~
- ~~6. Dispensers shall not release their contents except when the dispenser is manually activated.~~
- ~~7. Dispensers installed in occupancies with carpeted flooring shall only be allowed in smoke compartments or fire areas equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.~~
- ~~8. Projections into a corridor shall be in accordance with Section 1003.3.3.~~
- ~~9. Storage of alcohol-based hand rubs shall be in accordance with the applicable provisions of Section 3404.~~

13 VAC 5-51-154. IFC Chapter 38. Liquefied Petroleum Gases.

A. Change Section 3801.2 to read:

3801.2. Permits. Permits shall be required as set forth in Section 107.2. Distributors shall not fill an LP-gas container for which a permit is required unless a permit for installation has been issued for that location by the fire code official, except when the container is for temporary use on construction sites.

B. Change Section 3806.2 to read:

~~3806.2. Overfilling. Liquefied petroleum gas containers shall not be filled or maintained with LP-gas in excess of either the volume determined using the fixed liquid level gauge installed by the manufacturer, or the weight determined by the required percentage of the water capacity marked on the container. Portable containers shall not be refilled unless equipped with an overfilling prevention device (OPD) in accordance with NFPA 58.~~

C. Add Section 3806.4 to read:

3806.4. DOT cylinders filled on site. DOT cylinders in stationary service that are filled on site and therefore are not under the jurisdiction of DOT either shall be requalified in accordance with DOT requirements or shall be visually inspected within 12 years of the date of manufacture or within five years from the effective date of this code, whichever is later, and within every five years thereafter, in accordance with the following:

1. Any cylinder that fails one or more of the criteria in Item 3 shall not be refilled or continued in service until the condition is corrected.
2. Personnel shall be trained and qualified to perform inspections.
3. Visual inspection shall be performed in accordance with the following:
 - 3.1. The cylinder is checked for exposure to fire, dents, cuts, digs, gouges, and corrosion according to CGA C-6, Standards for Visual Inspection of Steel Compressed Gas Cylinders, except that paragraph 4.2.1(1) of that standard (which requires tare weight certification), shall not be part of the required inspection criteria.
 - 3.2. The cylinder protective collar (where utilized) and the foot ring are intact and are firmly attached.
 - 3.3. The cylinder is painted or coated to retard corrosion.
 - 3.4. The cylinder pressure relief valve indicates no visible damage, corrosion of operating components, or obstructions.
 - 3.5. There is no leakage from the cylinder or its appurtenances that is detectable without the use of instruments.
 - 3.6. The cylinder is installed on a firm foundation and is not in contact with the soil.
 - 3.7. A cylinder that passed the visual inspection shall be marked with the month and year of the examination followed by the letter "E" (example: 10-01E, indicating requalification in October 2001 by the external inspection method).
 - 3.8. The results of the visual inspection shall be documented, and a record of the inspection shall be retained for a five-year period.

Exception: Any inspection procedure outlined in Items 3.1 through 3.8 that would require a cylinder be moved in such a manner that disconnection from the piping system would be necessary shall be omitted, provided the other inspection results do not indicate further inspection is warranted.

~~D. Change Section 3809.12 to read:~~

~~3809.12. Location of storage outside of buildings. Storage outside of buildings, for containers awaiting use, resale or part of a cylinder exchange program shall be located not less than 10 feet (3048 mm) from openings into buildings, 20 feet (6096 mm) from any motor vehicle fuel dispenser and 10 feet (3048 mm) from any combustible material and in accordance with Table 3809.12.~~

~~E. Change Table 3809.12 to read:~~

~~Table 3809.12~~

~~Location of Containers Awaiting Use or Resale Stored Outside of Buildings~~

Quantity of LP-Gas Stored	Distances to a Building or Group of Buildings, Public Way or Lot Line of Property That Can Be Built Upon (feet)
2500 pounds or less	0
2,501 to 6,000 pounds	10^a
6,001 to 10,000 pounds	20
Over 10,000 pounds	25

~~For SI: 1 foot = 304.8 mm, 1 pound = 0.454 kg.~~

~~a. Containers are allowed to be located a lesser distance.~~

~~F. Change Section 3809.14 to read:~~

~~3809.14. Separation from means of egress for permanent containers located outside of buildings. Permanent containers located outside of buildings shall not be located within 10 feet (3048 mm) of any exit access doors, exits, stairways or in areas normally used, or intended to be used, as a means of egress.~~

~~G. C. Change Section 3811.2 to read:~~

~~3811.2. Unattended parking. The unattended parking of LP-gas tank vehicles shall be in accordance with Sections 3811.2.1 and 3811.2.2.~~

~~Exception: The unattended outdoor parking of LP-gas tank vehicles may also be in accordance with Section ~~6.6.2.1~~ 9.7.2 of NFPA 58.~~

DOCUMENTS INCORPORATED BY REFERENCE

The International Fire Code – ~~2003~~ 2006 Edition, International Code Council, Inc., 5203 Leesburg Pike, Suite 708 600, Falls Church, VA 22041-3401.

~~NFPA 10—98, Standard for Portable Fire Extinguishers, 1998 Edition, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.~~

~~NFPA 58—01~~ NFPA 58 – 04, Liquefied Petroleum Gas Code, ~~2001~~ 2004 Edition, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

CGA C-6—2001, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Eighth Edition, Compressed Gas Association, 1725 Jefferson Davis Highway, 5th Floor, Arlington, VA 22202-4102.

Board of Housing and Community Development – Draft Proposed Regulations

VIRGINIA AMUSEMENT DEVICE REGULATIONS

13 VAC 5-31-20. Definitions.

A. The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Amusement device" means (i) a device or structure open to the public by which persons are conveyed or moved in an unusual manner for diversion and (ii) passenger tramways.

"Bungee cord" means the elastic rope to which the jumper is attached which lengthens and shortens to produce a bouncing action.

"Carabineer" means a shaped metal device with a gate used to connect sections of a bungee cord, jump rigging, equipment, or safety gear.

"DHCD" means the Virginia Department of Housing and Community Development.

"Gravity ride" means a ride that is installed on an inclined surface, which depends on gravity for its operation to convey a passenger from the top of the incline to the bottom, and which conveys a passenger in or on a carrier tube, bag, bathing suit, or clothes.

"Ground operator" means a person who assists the jump master to prepare a jumper for jumping.

"Harness" means an assembly to be worn by a bungee jumper to be attached to a bungee cord. It is designed to prevent the wearer from becoming detached from the bungee system.

"Jump master" means a person who has responsibility for the bungee jumper and who takes the jumper through the final stages to the actual jump.

"Jump zone" means the space bounded by the maximum designed movements of the bungee jumper.

"Jumper" means the person who departs from a height attached to a bungee system.

"Landing area" means the surface area of ground or water directly under the jump zone, the area where the lowering device moves the bungee jumper to be landed away from the jump space and the area covered by the movement of the lowering device.

"Local building department" means the agency or agencies of the governing body of any city, county or town in this Commonwealth charged with the enforcement of the USBC.

"Operating manual" means the document that contains the procedures and forms for the operation of bungee jumping equipment and activity at a site.

"Passenger tramway" means a device used to transport passengers uphill, and suspended in the air by the use of steel cables, chains or belts, or ropes, and usually supported by trestles or towers with one or more spans.

"Platform" means the equipment attached to the structure from which the bungee jumper departs.

"Private inspector" means a person performing inspections who is independent of the company, individual or organization owning, operating or having any vested interest in an amusement device being inspected.

"Ultimate tensile strength" means the greatest amount of load applied to a bungee cord prior to failure.

"USBC" means the Virginia Uniform Statewide Building Code (13 VAC 5-63).

B. Words and terms used in this chapter which are defined in the USBC shall have the meaning ascribed to them in that regulation unless the context clearly indicates otherwise.

C. Words and terms used in this chapter which are defined in the standards incorporated by reference in this chapter shall have the meaning ascribed to them in those standards unless the context clearly indicates otherwise.

13 VAC 5-31-30. Exemptions.

The following equipment or devices shall not be considered amusement devices subject to this chapter:

~~Nonmechanized~~ 1. Non-mechanized playground or recreational equipment such as swing sets, sliding boards, climbing bars, jungle gyms, skateboard ramps and similar equipment where no admission fee is charged for its use or for admittance to areas where the equipment is located and three or less passenger; ;

~~2. Coin-operated rides shall not be amusement devices subject to this chapter~~ designed to accommodate three or less passengers; and

3. Water slides or similar equipment used in community association, community club or community organization swimming pools .

13 VAC 5-31-40. Incorporated standards.

A. The following standards are hereby incorporated by reference for use as part of this chapter:

1. American National Standards Institute (ANSI) Standard No. ~~B77.1-1999~~ B77.1-2006 for the regulation of passenger tramways; and

2. American Society for Testing and Materials (ASTM) Standard Nos. F 698 – 94 (Reapproved 2000), ~~F747-97~~ F 747 – 06 , ~~F770-93 (2000)~~ F 770 – 06a , F 846 – 92 (Reapproved 2003), ~~F853-04~~ F 853 – 05 , ~~F893-04~~ F 893 – 05a , F 1159 – 03a, ~~F1193-04~~

F 1193 – 06 , F 1305 – 94 (Reapproved 2002), F 1950 – 99, F 1957 – 99 (Reapproved 2004) , F2007-00 F 2007 – 06 , F2137-01 F 2137 – 04 , F2291-04 F 2291 – 06a and F2374-04 , F 2374 – 06 and F 2376 – 06 for the regulation of amusement devices.

The standards referenced above may be procured from:

ANSI

ASTM

25 W 43rd Street
New York, NY 10036

100 Barr Harbor Dr.
West Conshohocken, PA 19428-2959

B. The provisions of this chapter govern where they are in conflict with any provisions of the standards incorporated by reference in this chapter.

C. The following requirements supplement the provisions of the ASTM standards incorporated by reference in this chapter:

1. The operator of an amusement device shall be at least 16 years of age, except when the person is under the supervision of a parent or guardian and engaged in activities determined not to be hazardous by the Commissioner of the Virginia Department of Labor and Industry;
2. The amusement device shall be attended by an operator at all times during operation except that (i) one operator is permitted to operate two or more amusement devices provided they are within the sight of the operator and operated by a common control panel or station and (ii) one operator is permitted to operate two kiddie rides with separate controls provided the distance between controls is no more than 35 feet and the controls are equipped with a positive pressure switch; and
3. The operator of an amusement device shall not be (i) under the influence of any drugs which may affect the operator's judgment or ability to assure the safety of the public or (ii) under the influence of alcohol.

D. Where an amusement device was manufactured under previous editions of the standards incorporated by reference in this chapter, the previous editions shall apply to the extent that they are different from the current standards.

PART II.

OWNER OR OPERATOR RESPONSIBILITIES. ENFORCEMENT, PERMITS AND CERTIFICATES OF INSPECTION.

13 VAC 5-31-70. Inspections. (Repealed.)

~~The owner or operator of an amusement device shall be permitted to engage a private inspector to provide the necessary inspections for obtaining a certificate of inspection for an amusement device. If a private inspector is to be used, the owner or operator shall notify the responsible local building department as soon as practical. If a private inspector is not to be used, the owner or operator shall give reasonable notice to the responsible local building department when an~~

inspection for issuing a certificate of inspection is sought. The owner or operator may designate the specific day for the inspection to take place provided it is during the local building department's normal work week.

13VAC5-31-80. Owner or operator responsibilities. (Repealed.)

In addition to other applicable requirements of this chapter, the owner or operator of an amusement device or devices shall be responsible for the following:

1. Submitting a permit application to the responsible local building department at least five days before a permit to operate, or renewal of a permit to operate, is sought. The permit application shall include (i) the name of the owner, operator or other person assuming responsibility; (ii) a general description of the device or devices to be permitted; (iii) any relevant serial or identification numbers; (iv) the location of the property on which the device or devices will be operated; and (v) the length of time the device or devices will be operating at the site;
2. Submitting an application for modification of any provision of this chapter when a modification is sought due to practical difficulties involved in complying with this chapter. The application for modification shall include documentation outlining the practical difficulties and method proposed to protect the public health, safety and welfare;
3. Submitting to the responsible local building department before or with the application for a permit to operate, or renewal of a permit to operate, proof of liability insurance of an amount not less than \$500,000 per occurrence or proof of equivalent financial responsibility and notifying the responsible local building department promptly of any change in the liability insurance or financial responsibility status during the period of operation to be, or which is, authorized by the permit;
4. Obtaining a permit to operate from the responsible local building department prior to operation or obtaining the renewal of a permit to operate when necessary prior to continued operation. Notwithstanding the above, a permit for a kiddie ride in which (i) the passenger height is limited to 54 inches or less; (ii) the design capacity is 12 passengers or less; and (iii) the assembly time is two hours or less need not be obtained if the device has an unexpired certificate of inspection issued by a local building department in this Commonwealth, regardless of whether the ride has been disassembled or moved to a new site. However, in such cases, the responsible local building department shall be notified prior to operation and such notification shall include the information required on a permit application as stipulated in subdivision 1 of this subsection;
5. Making available to the inspector at the time of inspection for a certificate of inspection the information listed in §§ 2.1 through 2.6 of ASTM F698 when an amusement device was manufactured prior to 1978;
6. The operator of an amusement device shall review promptly upon receipt all manufacturer's notifications, service bulletins and safety alerts relating to such amusement device issued pursuant to ASTM F853. The operator of the amusement

device shall comply with all recommendations and requirements set out in such documents as required by ASTM F853. A copy of each such document shall be retained by the operator. Whenever such amusement device is inspected pursuant to these regulations, the operator of the amusement device shall present each such document to the inspector. It is the responsibility of the operator of an amusement device to maintain contact with the manufacturer to insure that the manufacturer knows which devices are operated by the operator and to insure that the manufacturer has the current address of the operator.

7. Obtaining a certificate of inspection from the responsible local building department (i) prior to initial operation; (ii) prior to operation following a major modification; (iii) prior to each seasonal operation; (iv) at least once a year if operated more than seasonally; and (v) prior to resuming operation following an order from the local building department to cease operation. Notwithstanding the above, a certificate of inspection for a kiddie ride in which (i) the passenger height is limited to 54 inches or less; (ii) the design capacity is 12 passengers or less; and (iii) the assembly time is two hours or less need not be obtained if the device has an unexpired certificate of inspection issued by a local building department in this Commonwealth, regardless of whether the ride has been disassembled or moved to a new site; and

8. Ceasing operation upon receipt of a temporary order to cease operation issued by the responsible local building department.

13 VAC 5-31-90. Accidents. (Repealed.)

In the event of an accident involving serious injury or death the owner or operator shall:

1. Contact the responsible local building department as soon as practical, but not later than the next work day;
2. Cease operation until the responsible local building department approves resuming operation, except that approval from the responsible local building department for resuming operation is not required if the investigation required by subdivision 3 of this section provides reasonable evidence that the serious injury or death was not related to malfunction or improper operation;
3. Conduct an investigation to include (i) an examination of the accident scene; (ii) an interview of any witnesses or persons involved in the accident; and (iii) compiling a written report. The report shall contain a summary of the investigation and a description of the device involved, including the name of the manufacturer, the serial number and the date of manufacture, if available; and
4. Submit the investigation report to the responsible local building department within 24 hours after the time of the accident except that if its office is closed during the 24-hour period, the report shall be submitted within four hours after the office reopens.

PART III. ENFORCEMENT.

13 VAC 5-31-100. Local building department. (Repealed.)

~~The local building department's official or representative shall be permitted to do the following relative to an amusement device or devices intended to be, or being, operated at a site within their jurisdiction:~~

~~1. Collect fees for a permit to operate, renewal of a permit to operate and inspections conducted by staff to issue a certificate of inspection. The total for fees associated with one permit to operate and any associated inspections or one renewal of a permit to operate and any associated inspections shall not exceed the following:~~

- ~~a. \$25 for each kiddie ride under the permit;~~
- ~~b. \$35 for each circular ride or flat ride less than 20 feet in height under the permit;~~
- ~~c. \$55 for each spectacular ride under the permit that cannot be inspected as a circular ride or flat ride in subdivision 1 (b) of this section due to complexity or height; and~~
- ~~d. \$150 for coasters that exceed 30 feet in height.~~

~~Notwithstanding the above, the fee for each amusement device under the permit shall be reduced by 50% when the inspection for obtaining a certificate of inspection for that device is conducted by a private inspector;~~

~~2. In addition to the above, require permits and charge fees as appropriate under the USBC for amusement devices which are being initially constructed in whole or in part at a site within the jurisdiction for intended operation at that site. This authorization does not apply to an amusement device which is only being reassembled or undergoing a major modification at a site or being moved to a site for operation;~~

~~3. Approve modifications of this chapter upon determination that the public health, safety and welfare are assured;~~

~~4. Conduct an inspection at any time when the device would normally be open for operation, or at any other time if permission is granted by the owner or operator, for compliance with this chapter; and~~

~~5. Issue an order to temporarily cease the operation of an amusement device upon determination that it may be unsafe or otherwise endanger the public. The temporary order shall remain in effect until a new certificate of inspection is issued.~~

13 VAC 5-31-110. Enforcement. (Repealed.)

The local building department's official or representative shall enforce the provisions of this chapter as provided herein and as interpreted by the State Building Code Technical Review Board (TRB).

The local building department's official or representative shall be responsible for the following relative to an amusement device or devices intended to be, or being, operated at a site within their jurisdiction:

1. Approving or rejecting any application made for a permit to operate, or renewal of a permit to operate, within five days after submittal and issuing or renewing the permit when appropriate. The permit shall be issued or renewed for the length of time the device or devices will be operating at the site, except that if the length of time exceeds one year, the permit or renewal shall expire after one year. The permit to operate or renewed permit to operate shall state (i) the estimated length of time that the device or devices will be operated at the site; (ii) the name of, or otherwise identify, the device or devices covered by the permit; and (iii) the date when the permit expires;
2. When a certificate of inspection is sought by the owner or operator, conducting an inspection to assure compliance with this chapter unless the owner or operator is providing an approved private inspector. If the owner or operator has given reasonable notice that a certificate of inspection is sought and designated a specific day for the inspection, then the inspection shall be conducted on that day;
3. Accepting a written report of inspection from an approved private inspector;
4. When in receipt of a written report of inspection from an approved private inspector or after assuring compliance with this chapter through inspection, completing a certificate of inspection distributed by DHCD and causing the certificate to be posted or affixed on or in the vicinity of the device in a location visible to the public;
5. Accepting an existing certificate of inspection for a kiddie ride in which (i) the passenger height is limited to 54 inches or less; (ii) the capacity is 12 passengers or less; and (iii) the assembly time is two hours or less, provided the existing certificate of inspection for the ride was issued by a local building department in this Commonwealth less than one year prior to the date for which a certificate of inspection is sought, regardless of whether disassembly has occurred. Notwithstanding the above, if the kiddie ride is determined to be in violation of this chapter, the existing certificate of inspection shall not be valid; and
6. Issuing an order to cease operation upon discovery or notification that an accident involving the device has caused serious injury or death, except where the owner or operator has determined that the serious injury or death was not related to malfunction or improper operation of the device. Whether or not the order to cease operation has been issued, the official or representative shall conduct an inspection, or accept an inspection report from an approved private inspector, to assure the device complies with this chapter and is safe for operation.

A. In accordance with §§ 36-98.3 and 36-105 of the Code of Virginia, the local building department shall be responsible for the enforcement of this chapter and may charge fees for such enforcement activity. The total amount charged for any one permit to operate an amusement device or devices or the renewal of such permit shall not exceed the following, except that when a private inspector is used, the fees shall be reduced by 50%:

1. \$25 for each kiddie ride covered by the permit;
2. \$35 for each circular ride or flat-ride less than 20 feet in height covered by the permit;
3. \$55 for each spectacular ride covered by the permit which cannot be inspected as a circular ride or flat-ride in subdivision 2 of this subsection due to complexity or height; and
4. \$150 for each coaster covered by the permit which exceeds 30 feet in height.

B. Notwithstanding the provisions of subsection A of this section, when an amusement device is constructed in whole or in part at a site for permanent operation at that site and is not intended to be disassembled and moved to another site, then the local building department may utilize permit and inspection fees established pursuant to the USBC to defray the cost of enforcement. This authorization does not apply to an amusement device which is only being reassembled, undergoing a major modification at a site or being moved to a site for operation.

C. A permit application shall be made to the local building department at least five days before the date in which the applicant intends to operate an amusement device. The application shall include the name of the owner, operator or other person assuming responsibility for the device or devices, a general description of the device or devices including any serial or identification numbers available, the location of the property on which the device or devices will be operated and the length of time of operation. The permit application shall indicate whether a private inspector will be utilized. If a private inspector is not utilized, the applicant shall give reasonable notice when an inspection is sought and may stipulate the day such inspection is requested provided it is during the normal operating hours of the local building department. In addition to the information required on the permit application, the applicant shall provide proof of liability insurance of an amount not less than \$100,000 per person and \$1,000,000 in the aggregate for each amusement device insuring the owner or operator against liability for injury suffered by persons riding the amusement device or by persons in, on, under or near the amusement device; or proof of equivalent financial responsibility. The local building department shall be notified of any change in the liability insurance or financial responsibility during the period covered by the permit.

D. Notwithstanding the provisions of subsection C of this section, a permit application is not required for a kiddie ride in which the passenger height is 54 inches or less, the design capacity is for 12 passengers or less and which can be assembled in two hours or less, provided the kiddie ride has an unexpired certificate of inspection issued by any local building department in this Commonwealth. In such cases, the local building department shall be notified prior to the operation of the kiddie ride and the information required on a permit application as listed in subsection C of this section shall be provided to the local building department.

E. Local building department personnel shall examine the permit application within five days and issue the permit if all requirements are met. A certificate of inspection for each amusement device shall be issued when the device has been found to comply with this chapter by a private inspector or by an inspector from the local building department. It shall be the responsibility of the local building department to verify that the private inspector possesses a valid certificate of competence as an amusement device inspector from the Virginia Board of Housing and Community Development. In addition, local building department personnel shall be responsible for assuring that the certificate of inspection is posted or affixed on or in the vicinity of the device in a location visible to the public. Permits shall indicate the length of time the device or devices will be operated at the site, clearly identify the device or devices to which it applies and the date of expiration of the permit. Permits shall not be valid for longer than one year.

F. In addition to obtaining a certificate of inspection in conjunction with a permit application, a new certificate of inspection shall also be obtained prior to the operation of an amusement device following a major modification, prior to each seasonal operation of a device and prior to resuming the operation of a device following an order from a local building department to cease operation. This requirement shall not apply to kiddie rides meeting the conditions outlined in subsection D of this section.

G. For amusement devices manufactured prior to 1978, the owner or operator shall have the information required by §§ 2.1 through 2.6 of ASTM F628 available at the time of inspection. In addition, the operator of any amusement device shall be responsible for obtaining all manufacturer's notifications, service bulletins and safety alerts issued pursuant to ASTM F853 and the operator shall comply with all recommendations and requirements set out in those documents. A copy of all such documents shall be made available during an inspection.

H. In the enforcement of this chapter, local building department personnel shall have authority to conduct inspections at any time an amusement device would normally be open for operation or at any other time if permission is granted by the owner or operator, to issue an order to temporarily cease operation of an amusement device upon the determination that the device may be unsafe or may otherwise endanger the public and to accept and approve or deny requests for modifications of the rules of this chapter in accordance with the modification provisions of the USBC.

13 VAC 5-31-85. Accidents involving serious injury or death.

A. If an accident involving serious injury or death occurs, the operation of an amusement device shall cease and the local building department shall be notified as soon as practicable, but in no case later than during the next working day. The operation of the device shall not resume until inspected by a private inspector or an inspector from the local building department, except where the owner or operator determines the cause was not related to malfunction or improper operation of the amusement device.

B. The owner or operator shall conduct an investigation of the accident including, at a minimum, an examination of the accident scene and interviews of any witnesses or persons involved in the accident. An accident investigation report shall be compiled which, at a minimum, shall contain a summary of the investigation and a description of the device involved, including its serial number and date of manufacture, if available. The report shall be submitted to the local building

department within 24 hours of the accident except that if the local building department is closed during that period, then the report shall be submitted with four hours of the reopening of the department

C. Local building department personnel are authorized to investigate the accident and to issue an order to cease operation when warranted and to specify the conditions under which the device may resume operation. The amusement device shall be inspected prior to resuming operation either by an inspector from the local building department or by a private inspector and found to comply with this chapter.

PART IV. BUNGEE JUMPING.

13 VAC 5-31-120. General requirements. (Repealed.)

~~A. The provisions of this part are specific to bungee jumping and are in addition to other applicable provisions of this chapter.~~

~~B. Bungee jumping operations which are open to the public shall be permitted from structures designed for use as part of the bungee jumping operation. Bungee jumping from other types of structures, cranes or derricks is not permitted for public participation.~~

~~C. Bungee jumping activities which involve double jumping, sandbagging, catapulting or stunt jumping shall not be permitted to be open for public participation.~~

13 VAC 5-31-130. Bungee cords. (Repealed.)

~~A. Bungee cords shall be tested by an approved testing agency or by an engineer licensed in Virginia. The following criteria shall be met:~~

~~1. Each lot of bungee cords shall have a minimum of 10%, but not less than one of the cords tested to determine the lowest ultimate tensile strength of the cords tested. A load versus elongation curve based on the test result shall be provided with each lot of bungee cords; and~~

~~2. The manufacturer shall specify the maximum number of jumps for which each cord or cord type is designed and the criteria for use of the cord.~~

~~B. Bungee cords shall be retired when the cords (i) exhibit deterioration or damage; (ii) do not react according to specifications; or (iii) have reached the maximum usage expressed in number of jumps as specified by the manufacturer. Bungee cords retired from use shall be destroyed immediately by cutting the cord into five-foot lengths.~~

13 VAC 5-31-140. Jump hardware. (Repealed.)

~~Jump harnesses shall be either full body designed, which includes a waist harness worn in conjunction with a chest harness, or ankle designed with a link to a waist harness. All jump harnesses, carabineers, cables and other hardware shall be designed and manufactured for the~~

purpose or designed or analyzed by an engineer licensed in Virginia and shall be used and maintained in accordance with the manufacturer's or engineer's instructions.

13 VAC 5-31-150. Structure requirements. (Repealed.)

~~Structures constructed on site for bungee jumping activities shall be designed by an engineer licensed in Virginia. Structures manufactured for bungee jumping activities shall be analyzed by an engineer licensed in Virginia and assembled and supported in accordance with the manufacturer's instructions.~~

13 VAC 5-31-160. Operational and site requirements. (Repealed.)

~~A. Operators shall follow the criteria provided by the manufacturer for the use of bungee cords. A record of the number of jumps with each cord shall be maintained. All cords shall be inspected daily for wear, slippage, or other abnormalities unless the manufacturer specifies more frequent inspections.~~

~~B. The jump master or site manager shall be responsible for determining the appropriate use of all bungee cords in relation to the weight of the jumper and height of the platform. Bungee cords shall be attached to the structure at all times when in the connection area.~~

~~C. All harnesses shall be inspected prior to harnessing a jumper and shall be removed from service when they exhibit signs of excessive wear or damage. All carabineers shall be inspected daily and shall be removed from service when they exhibit signs of excessive wear or damage or fail to function as designed. The anchors shall be inspected daily and shall be replaced if showing signs of excessive wear.~~

~~D. A secondary retrieval system shall be provided in all operations. A locking mechanism on the line shall be used to stop and hold the jumper in place after being pulled back to the jump platform in a retrieval system. A dead man's switch or locking mechanism that will stop the lowering action shall be used in a friction lowering system.~~

~~E. The jump zone, preparation area and landing/recovery area shall be identified and maintained during bungee jumping activities. The landing/recovery area shall be accessible to emergency vehicles. Communication shall be maintained between all personnel involved with the jump.~~

~~F. An air bag, a minimum of 10 feet by 10 feet, shall be used. The air bag shall be rated for the maximum free fall height possible from the platform during operation. The air bag shall be located immediately below the jump space. The landing area shall be free of spectators and debris at all times and shall be free of any equipment or personnel when a jumper is being prepared on the jump platform and until the bungee cord is at its static extended state. A place to sit and recover shall be provided adjacent to, but outside, the landing area where the jumper shall be allowed to recover.~~

~~G. Where the jump space or landing area, or both, is over sea, lake, river, or harbor waters, the following shall apply:~~

- ~~1. The landing water area shall be at least nine feet deep and a minimum of 10 feet by 10 feet or have a minimum of 15 feet in diameter if circular;~~
- ~~2. The jump space and landing area shall be free of other vessels, floating and submerged objects and buoys. A sign of approved size which reads "Bungee Jumping! Keep Clear" shall be fixed to buoys on four sides of the landing area;~~
- ~~3. The landing vessel shall be readily available for the duration of the landing procedures;~~
- ~~4. The landing vessel shall have a landing pad size of at least five feet by five feet within and lower than the sides of the vessel;~~
- ~~5. A landing vessel shall be available that can be maneuvered in the range of water conditions expected and will enable staff to pick up a jumper; and~~
- ~~6. One person may operate the landing vessel where the vessel is positioned without the use of power. A separate person shall operate the vessel where power is required to maneuver into or hold the landing position.~~

~~H. Where the landing area is part of a swimming pool or the landing area is specifically constructed for bungee jumping, the following shall apply:~~

- ~~1. Rescue equipment shall be available, such as a life ring or safety pole;~~
- ~~2. The jump space and landing area shall be fenced to exclude the public; and~~
- ~~3. Only the operators of the bungee jump and jumper shall be within the jump zone and landing areas.~~

~~I. Storage shall be provided to protect equipment from physical, chemical and ultra-violet radiation damage. The storage shall be provided for any current, replacement and emergency equipment and organized for ready access and shall be secure against unauthorized entry.~~

~~13 VAC 5-31-170. Management and personnel responsibilities. (Repealed.)~~

~~A. All bungee jumping activities shall have a minimum of one site manager, one jump master and one ground operator to be present at all times during operation of the bungee jump.~~

~~B. The site manager is responsible for the following:~~

- ~~1. Controlling the entire operation;~~
- ~~2. Site equipment and procedures;~~
- ~~3. Determining whether it is safe to jump;~~
- ~~4. Selection of, and any training of personnel;~~

~~5. Emergency procedures; and~~

~~6. Maintaining records.~~

~~C. A jump master shall be located at each jump platform and shall have thorough knowledge of, and is responsible for, the following:~~

~~1. Overseeing the processing of jumpers, selection of the bungee cord, adjustment of the rigging, final check of jumper's preparation, and countdown for and observation of the jump;~~

~~2. Verifying that the cord is attached to the structure at all times when the jumper is in the jump area;~~

~~3. Rescue and emergency procedures; and~~

~~4. Ensuring that the number of jumps undertaken in a given period of time will allow all personnel to safely carry out their responsibilities.~~

~~D. The ground operator shall have knowledge of all equipment used and of jump procedures and shall have the following responsibilities:~~

~~1. Ensuring that the jumper is qualified to jump;~~

~~2. Assisting the jump master to prepare the jumper and attach the jumper to the harness and rigging;~~

~~3. Assisting the jumper to the recovery area; and~~

~~4. Maintaining a clear view of the landing area.~~

~~E. Each site shall have an operating manual which shall include the following:~~

~~1. Site plan, job descriptions (including procedures), inspections and maintenance requirements of equipment including rigging, hardware, bungee cords, harnesses, and lifelines; and~~

~~2. An emergency rescue plan.~~

~~F. The daily operating procedures shall be conducted in accordance with ASTM F770-93.~~

~~G. The qualification and preparation of jumpers shall include obtaining any pertinent medical information, jumper weight and a briefing of jumping procedures and safety instructions.~~

~~PART V. PART IV.~~
~~GRAVITY RIDES.~~

~~PART VI. PART V.~~

CONCESSION GO-KARTS.

~~PART VII.~~ PART VI. INFLATABLE AMUSEMENT DEVICES.

~~PART VIII.~~ PART VII. ARTIFICIAL CLIMBING WALLS.

13 VAC 5-31-210. General requirements.

In addition to other applicable requirements of this chapter, artificial climbing walls shall be operated, maintained and inspected in accordance with ASTM F1159.

Notwithstanding any requirements of this chapter to the contrary, an artificial climbing wall may be moved, setup and operated without obtaining a permit provided the wall has a valid certificate of inspection issued by a local building department within the prior 90 days.

PART VIII. BUNGEE JUMPING.

13 VAC 5-31-220. General requirements.

A. The provisions of this part are specific to bungee jumping and are in addition to other applicable provisions of this chapter.

B. Bungee jumping operations which are open to the public shall be permitted from structures designed for use as part of the bungee jumping operation. Bungee jumping from other types of structures, cranes or derricks is not permitted for public participation.

C. Bungee jumping activities which involve double jumping, sandbagging, catapulting or stunt jumping shall not be permitted to be open for public participation.

13 VAC 5-31-230. Bungee cords.

A. Bungee cords shall be tested by an approved testing agency or by an engineer licensed in Virginia. The following criteria shall be met:

1. Each lot of bungee cords shall have a minimum of 10%, but not less than one of the cords tested to determine the lowest ultimate tensile strength of the cords tested. A load versus elongation curve based on the test result shall be provided with each lot of bungee cords; and

2. The manufacturer shall specify the maximum number of jumps for which each cord or cord type is designed and the criteria for use of the cord.

B. Bungee cords shall be retired when the cords (i) exhibit deterioration or damage; (ii) do not react according to specifications; or (iii) have reached the maximum usage expressed in number

of jumps as specified by the manufacturer. Bungee cords retired from use shall be destroyed immediately by cutting the cord into five-foot lengths.

13 VAC 5-31-240. Jump hardware.

Jump harnesses shall be either full body-designed, which includes a waist harness worn in conjunction with a chest harness, or ankle-designed with a link to a waist harness. All jump harnesses, carabineers, cables and other hardware shall be designed and manufactured for the purpose or designed or analyzed by an engineer licensed in Virginia and shall be used and maintained in accordance with the manufacturer's or engineer's instructions.

13 VAC 5-31-250. Structure requirements.

Structures constructed on site for bungee jumping activities shall be designed by an engineer licensed in Virginia. Structures manufactured for bungee jumping activities shall be analyzed by an engineer licensed in Virginia and assembled and supported in accordance with the manufacturer's instructions.

13 VAC 5-31-260. Operational and site requirements.

A. Operators shall follow the criteria provided by the manufacturer for the use of bungee cords. A record of the number of jumps with each cord shall be maintained. All cords shall be inspected daily for wear, slippage, or other abnormalities unless the manufacturer specifies more frequent inspections.

B. The jump master or site manager shall be responsible for determining the appropriate use of all bungee cords in relation to the weight of the jumper and height of the platform. Bungee cords shall be attached to the structure at all times when in the connection area.

C. All harnesses shall be inspected prior to harnessing a jumper and shall be removed from service when they exhibit signs of excessive wear or damage. All carabineers shall be inspected daily and shall be removed from service when they exhibit signs of excessive wear or damage or fail to function as designed. The anchors shall be inspected daily and shall be replaced if showing signs of excessive wear.

D. A secondary retrieval system shall be provided in all operations. A locking mechanism on the line shall be used to stop and hold the jumper in place after being pulled back to the jump platform in a retrieval system. A dead man's switch or locking mechanism that will stop the lowering action shall be used in a friction lowering system.

E. The jump zone, preparation area and landing/recovery area shall be identified and maintained during bungee jumping activities. The landing/recovery area shall be accessible to emergency vehicles. Communication shall be maintained between all personnel involved with the jump.

F. An air bag, a minimum of 10 feet by 10 feet, shall be used. The air bag shall be rated for the maximum free fall height possible from the platform during operation. The air bag shall be located immediately below the jump space. The landing area shall be free of spectators and debris at all times and shall be free of any equipment or personnel when a jumper is being

prepared on the jump platform and until the bungee cord is at its static extended state. A place to sit and recover shall be provided adjacent to, but outside, the landing area where the jumper shall be allowed to recover.

G. Where the jump space or landing area, or both, is over sea, lake, river, or harbor waters, the following shall apply:

1. The landing water area shall be at least nine feet deep and a minimum of 10 feet by 10 feet or have a minimum of 15 feet in diameter if circular;
2. The jump space and landing area shall be free of other vessels, floating and submerged objects and buoys. A sign of approved size which reads "Bungee Jumping! Keep Clear" shall be fixed to buoys on four sides of the landing area;
3. The landing vessel shall be readily available for the duration of the landing procedures;
4. The landing vessel shall have a landing pad size of at least five feet by five feet within and lower than the sides of the vessel;
5. A landing vessel shall be available that can be maneuvered in the range of water conditions expected and will enable staff to pick up a jumper; and
6. One person may operate the landing vessel where the vessel is positioned without the use of power. A separate person shall operate the vessel where power is required to maneuver into or hold the landing position.

H. Where the landing area is part of a swimming pool or the landing area is specifically constructed for bungee jumping, the following shall apply:

1. Rescue equipment shall be available, such as a life ring or safety pole;
2. The jump space and landing area shall be fenced to exclude the public; and
3. Only the operators of the bungee jump and jumper shall be within the jump zone and landing areas.

I. Storage shall be provided to protect equipment from physical, chemical and ultra-violet radiation damage. The storage shall be provided for any current, replacement and emergency equipment and organized for ready access and shall be secure against unauthorized entry.

13 VAC 5-31-270. Management and personnel responsibilities.

A. All bungee jumping activities shall have a minimum of one site manager, one jump master and one ground operator to be present at all times during operation of the bungee jump.

B. The site manager is responsible for the following:

1. Controlling the entire operation;

2. Site equipment and procedures;
3. Determining whether it is safe to jump;
4. Selection of, and any training of personnel;
5. Emergency procedures; and
6. Maintaining records.

C. A jump master shall be located at each jump platform and shall have thorough knowledge of, and is responsible for, the following:

1. Overseeing the processing of jumpers, selection of the bungee cord, adjustment of the rigging, final check of jumper's preparation, and countdown for and observation of the jump;
2. Verifying that the cord is attached to the structure at all times when the jumper is in the jump area;
3. Rescue and emergency procedures; and
4. Ensuring that the number of jumps undertaken in a given period of time will allow all personnel to safely carry out their responsibilities.

D. The ground operator shall have knowledge of all equipment used and of jump procedures and shall have the following responsibilities:

1. Ensuring that the jumper is qualified to jump;
2. Assisting the jump master to prepare the jumper and attach the jumper to the harness and rigging;
3. Assisting the jumper to the recovery area; and
4. Maintaining a clear view of the landing area.

E. Each site shall have an operating manual which shall include the following:

1. Site plan, job descriptions (including procedures), inspections and maintenance requirements of equipment including rigging, hardware, bungee cords, harnesses, and lifelines; and
2. An emergency rescue plan.

F. The daily operating procedures shall be conducted in accordance with ASTM F770.

G. The qualification and preparation of jumpers shall include obtaining any pertinent medical information, jumper weight and a briefing of jumping procedures and safety instructions.

DOCUMENTS INCORPORATED BY REFERENCE

ASTM International Standards on Amusement Rides and Devices, 7th Edition, 2004.

F 698 – 94 (Reapproved 2000), Standard Specification for Physical Information to be Provided for Amusement Rides and Devices, ASTM International, West Conshohocken, PA 19428.

F 747 – 06, Standard Terminology Relating to Amusement Rides and Devices, ASTM International, West Conshohocken, PA 19428.

F 770 – 06a, Standard Practice for Ownership and Operation of Amusement Rides and Devices, ASTM International, West Conshohocken, PA 19428.

F 846 – 92 (Reapproved 2003), Standard Guide for Testing Performance of Amusement Rides and Devices, ASTM International, West Conshohocken, PA 19428.

F 853 – 05, Standard Practice for Maintenance Procedures for Amusement Rides and Devices, ASTM International, West Conshohocken, PA 19428.

F 893 – 05a, Standard Guide for Inspection of Amusement Rides and Devices, ASTM International, West Conshohocken, PA 19428.

F 1159 – 03a, Standard Practice for Design and Manufacture of Patron Directed, Artificial Climbing Walls, Dry Slide, Coin Operated and Purposeful Water Immersion Amusement Rides and Devices and Air-Supported Structures, ASTM International, West Conshohocken, PA 19428.

F 1193 – 06, Standard Practice for Quality, Manufacture, and Construction of Amusement Rides and Devices, ASTM International, West Conshohocken, PA 19428.

F 1305 – 94 (Reapproved 2002), Standard Guide for Classification of Amusement Rides and Device Related Injuries and Illnesses, ASTM International, West Conshohocken, PA 19428.

F 1950 – 99, Standard Specification for Physical Information to be Transferred With Used Amusement Rides and Devices, ASTM International, West Conshohocken, PA 19428.

F 1957 – 99 (Reapproved 2004), Standard Test Method for Composite Foam Hardness-Durometer Hardness, ASTM International, West Conshohocken, PA 19428.

F 2007 – 06, Standard Practice for Classification, Design, Manufacture, and Operation of Concession Go-Karts and Facilities, ASTM International, West Conshohocken, PA 19428.

F 2137 – 04, Standard Practice for Measuring the Dynamic Characteristics of Amusement Rides and Devices, ASTM International, West Conshohocken, PA 19428.

F 2291 – 06a, Standard Practice for Design of Amusement Rides and Devices, ASTM International, West Conshohocken, PA 19428.

F 2374 – 06, Standard Practice for Design, Manufacture, Operation, and Maintenance of Inflatable Amusement Devices, ASTM International, West Conshohocken, PA 19428.

F 2376 – 06, Standard Practice for Classification, Design, Manufacture, Construction, and Operation of Water Slide Systems, ASTM International, West Conshohocken, PA 19428.

Board of Housing and Community Development – Draft Proposed Regulations

VIRGINIA INDUSTRIALIZED BUILDING SAFETY REGULATIONS

13 VAC 5-91-20. Application and compliance.

A. This chapter shall apply to industrialized buildings. The following provisions are in accordance with § 36-81 of the Code of Virginia: Registered industrialized buildings shall be acceptable in all localities as meeting the requirements of the Industrialized Building Safety Law (Chapter 4 (§ 36-70 et seq.) of Title 36 of the Code of Virginia), which shall supersede the building codes and regulations of the counties, municipalities and state agencies. Local requirements affecting industrialized buildings, including zoning, utility connections, preparation of the site and maintenance of the unit shall remain in full force and effect. All building officials are authorized to and shall enforce the provisions of this law, and the rules and regulations made in pursuance thereof.

B. No person, firm or corporation shall offer for sale or rental, or sell or rent, any industrialized building ~~produced after the effective date of~~ subject to any provision provisions of this chapter unless it conforms with such provision if the industrialized building is not in compliance with any such provisions .

C. ~~Industrialized buildings subject to any edition of this chapter when constructed shall be maintained in compliance with the applicable edition by the owners or occupants, or both. In accordance with subsection A of this section, the provisions of the USBC shall not be applicable to the design and construction of registered industrialized buildings. However, the provisions of this chapter do not prohibit the administrative provisions of the USBC for permits, inspections, certificates of occupancy and other matters from being applicable to the extent they are not addressed by the requirements of this chapter. Additionally, the provisions of this chapter do not prohibit alterations and additions to existing industrialized buildings from being regulated by the USBC or building officials from requiring the submission of plans and specifications for the model involved in electronic or other available format to aid in the evaluation of the proposed addition or alteration.~~

D. Industrialized buildings constructed prior to January 1, 1972 ; ~~shall be~~ remain subject to the ordinances, laws or regulations in effect at the time such industrialized building was constructed. Additionally, the provisions of this chapter do not prohibit pertinent provisions of the USBC from being applicable when such industrialized buildings are relocated.

13 VAC 5-91-100. ~~Responsibility~~ Duties and responsibilities of building officials in the installation or erection of a registered industrialized building .

~~Every building official is authorized to and shall enforce the provisions of this chapter within the limits of his jurisdiction . The building official shall not permit the use of any industrialized building that does not comply with this chapter.~~

13 VAC 5-91-110. Registered industrialized buildings.

Industrialized buildings that are registered shall be accepted in all localities as meeting the requirements of this law. Notwithstanding this provision, A. Building officials are authorized to shall carry out the following functions that apply to registered industrialized buildings provided such functions do not involve disassembly of the registered building or a change in its design or result in the imposition of more stringent conditions than those required by the compliance assurance agency or by this chapter.

1. ~~Building officials shall Verify through inspection that the registered industrialized building displays the required state registration seal and the proper label of the compliance assurance agency and has not been damaged in transit to a degree that would render it unsafe. Where indicated, this may include If the building has been damaged, then the building official is authorized to require tests for tightness of plumbing systems and gas piping and tests for damaged or loose wires, or both, in the electrical system.~~
2. ~~Building officials shall Verify through inspection that (i) supplemental components required by the label data plate or by this chapter the installation instructions are properly provided :~~
3. ~~Building officials shall verify that and properly installed, (ii) the construction work associated with the installation of the building and the instructions of the label from the manufacturer for the installation and erection of the building are observed.~~
4. ~~Building officials shall verify that followed, and (iii) any special conditions or limitations of use for the building that are stipulated in the manufacturer's instructions or by the label data plate and authorized by this chapter are observed followed .~~
5. ~~B. Building officials may are authorized to require submission and approval of plans and specifications for details of items needed to comprise the finished building which are not included or specified in the manufacturer's installation instructions such as the footings, foundations, supporting structures , foundations and proper anchorage and all other components necessary to form the completed building . They may require such architectural and engineering services as may be specifically authorized by this chapter necessary to assure that the supporting structures footings , foundations and supporting structures, proper anchorage and other components necessary to form the completed comprise the finished building are designed in accordance with the applicable provisions of this chapter.~~
6. ~~Building officials shall enforce applicable requirements of this chapter and the USBC for alterations and additions to the units or to the buildings. As an aid, they may require submission of plans and specifications of the model of the unit. Such plans and specifications may be furnished on approved microfilm.~~
7. ~~Building officials shall enforce the requirements of the USBC applicable to utility connections, site preparation, building permits, certificates of use and occupancy, and all other applicable requirements of the USBC, except those governing the design and construction of the registered building.~~
8. ~~Building officials shall verify that the building displays the required state registration seal and the proper label of the compliance assurance agency.~~

C. When a building official determines that a violation of any provision of this section is present, the responsible person shall be notified and given a reasonable time to correct the violation. If the violation is not corrected, the building official shall institute the appropriate proceedings to require correction or abatement of the violation and may prohibit the occupancy of the building until the violation is corrected. In accordance with 13 VAC 5-91-60, the Administrator shall also have the authority to compel correction of violations of this section and may be contacted by the building official for assistance.

13 VAC 5-91-160. Use of model codes and standards.

A. Industrialized buildings produced after ~~November 16, 2005~~ (effective date of final regulation to be inserted) , shall be reasonably safe for the users and shall provide reasonable protection to the public against hazards to life, health and property. Compliance with all applicable requirements of the following codes and standards, subject to the specified time limitations, shall be acceptable evidence of compliance with this provision:

The following codes and standards may be used until ~~February 16, 2006~~ (date three months after above date to be inserted) :

1. ICC International Building Code – ~~2000~~ 2003 Edition
2. ICC International Plumbing Code – ~~2000~~ 2003 Edition
3. ICC International Mechanical Code – ~~2000~~ 2003 Edition
4. National Fire Protection Association Standard Number 70 (National Electrical Code) – ~~1999~~ 2002 Edition
5. ICC International Residential Code – ~~2000~~ 2003 Edition

B. The following documents are adopted and incorporated by reference to be an enforceable part of this chapter:

1. ICC International Building Code – ~~2003~~ 2006 Edition
2. ICC International Plumbing Code – ~~2003~~ 2006 Edition
3. ICC International Mechanical Code – ~~2003~~ 2006 Edition
4. National Electrical Code – ~~2002~~ 2005 Edition
5. ICC International Residential Code – ~~2003~~ 2006 Edition

The codes and standards referenced above may be procured from:

International Code Council, Inc.
5203 Leesburg Pike, Suite 600

Falls Church, VA 22041

13 VAC 5-91-270. Manufacturer's installation instructions and responsibilities of installers .

A. The manufacturer of each industrialized building shall provide specifications or instructions, or both, with each building for handling, installing or erecting the building. Such instructions may be included as part of the label from the compliance assurance agency or may be furnished separately by the manufacturer of the building. The manufacturer shall not be required to provide the foundation and anchoring equipment for the industrialized building.

B. Persons or firms installing or erecting registered industrialized buildings shall install or erect the building in accordance with the manufacturer's instructions.

C. Where the installation or erection of an industrialized building utilizes components which are to be concealed, the installer shall notify and obtain approval from the building official prior to concealment of such components unless the building official has agreed to an alternative method of verification.

DOCUMENTS INCORPORATED BY REFERENCE

ICC International Plumbing Code – ~~2000 and 2003~~ and 2006 Editions, International Code Council.

ICC International Mechanical Code – ~~2000 and 2003~~ and 2006 Editions, International Code Council.

National Fire Protection Association Standard Number 70 – (National Electrical Code) – ~~1999 and 2002~~ and 2005 Editions.

ICC International Building Code – – ~~2000 and 2003~~ and 2006 Editions, International Code Council.

ICC International Residential Code – – ~~2000 and 2003~~ and 2006 Editions, International Code Council.

ASTM Standard Number E541-01 – Standard Specification for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured Building, American Society for Testing and Materials.

Board of Housing and Community Development – Draft Proposed Regulations

VIRGINIA MANUFACTURED HOME SAFETY REGULATIONS

13 VAC 5-95-10. Definitions.

A. The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Act" or "the Act" means the National Manufactured Housing Construction and Safety Standards Act of 1974, Title VI of the Housing and Community Development Act of 1974 (42 USC §5401 et seq.).

"Administrator" means the Director of DHCD or his designee.

"DHCD" means the Virginia Department of Housing and Community Development.

"Dealer" means any person engaged in the sale, lease, or distribution of manufactured homes primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale.

"Defect" means a failure to comply with an applicable federal manufactured home construction and safety standard that renders the manufactured home or any part of the home unfit for the ordinary use of which it was intended, but does not result in an imminent risk of death or severe personal injury to occupants of the affected home.

"Distributor" means any person engaged in the sale and distribution of manufactured homes for resale.

"Federal regulation" means the federal Manufactured Home Procedural and Enforcement Regulations, enacted May 13, 1976, under authority granted by §625 of the Act, and designated as Part 3282, Chapter XX, Title 24 of HUD's regulations (24 CFR Part 3282). (Part 3282 consists of subparts A through L, with sections numbered 3282.1 through 3282.554, and has an effective date of June 15, 1976.)

"HUD" means the United States Department of Housing and Urban Development.

"Imminent safety hazard" means a hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to failure to comply with an applicable federal manufactured home construction or safety standard.

"Label" or "certification label" means the approved form of certification by the manufacturer that, under 24 CFR 3282.362(c)(2)(i) of the Manufactured Home Procedural and Enforcement Regulations, is permanently affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States.

"Local code official" means the officer or other designated authority charged with the administration and enforcement of USBC, or duly authorized representative.

"Manufactured home" means a structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

"Manufacturer" means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes.

"Noncompliance" means a failure of a manufactured home to comply with a federal manufactured home construction or safety standard that does not constitute a defect, serious defect, or imminent safety hazard.

"Purchaser" means the first person purchasing a manufactured home in good faith for purposes other than resale.

"Secretary" means the Secretary of HUD.

"Serious defect" means any failure to comply with an applicable federal manufactured home construction and safety standard that renders the manufactured home or any part thereof not fit for the ordinary use for which it was intended and which results in an unreasonable risk of injury or death to occupants of the affected manufactured home.

"Standards" or "federal standards" means the federal Manufactured Home Construction and Safety Standards (24 CFR Part 3280) adopted by HUD, in accordance with authority in the Act. The standards were enacted December 18, 1975, and amended May 11, 1976, to become effective June 15, 1976.

"State administrative agency" or "SAA" means DHCD which is responsible for the administration and enforcement of Chapter 4.1 (§ 36-85.2 et seq.) of Title 36 of the Code of Virginia throughout Virginia and of the plan authorized by § 36-85.5 of the Code of Virginia.

"USBC" means the Virginia Uniform Statewide Building Code (~~13 VAC 5-61-10 et seq.~~ 13 VAC 5-63).

B. Terms defined within the federal regulations and standards shall have the same meanings in this chapter.

13 VAC 5-95-30. Effect of label.

A. In accordance with § 36-85.11 of the Code of Virginia, manufactured homes displaying the HUD certification label as prescribed by the federal standards shall be accepted in all localities as meeting the requirements of this chapter the Manufactured Housing Construction and Safety Standards Law (Chapter 4.1 (§ 36-85.2 et seq.) of Title 36 of the Code of Virginia) , which shall supersede the building codes of the counties, municipalities and state agencies. Notwithstanding this provision In addition, as a requirement of this chapter , local code officials are authorized to

shall carry out the following functions with respect to manufactured homes displaying the HUD label, provided such functions do not involve disassembly of the homes or parts of the homes, change of design, or result in the imposition of more stringent conditions than those required by the federal regulations.

1. ~~Local code officials shall~~ Verify through inspection that the manufactured home has not been damaged in transit to a degree that would render it unsafe. ~~When determined necessary by the local code official~~ If the manufactured home has been damaged , then the local code official is authorized to require tests ~~may be required~~ for tightness of plumbing systems and gas piping, and electrical short circuits at meter connections.
2. ~~Local code officials shall~~ Verify through inspection that (i) supplemental components required by the label manufacturer's installation instructions or this chapter are properly provided .
3. ~~Local code officials shall verify that ,~~ (ii) manufacturer's installation or erection instructions are followed .
4. ~~Local code officials shall verify that and~~ (iii) any special conditions or limitations of use stipulated by the manufacturer's installation instructions or the label in accordance with the standards or this chapter are followed.
5. ~~B. Local code officials shall~~ are required by the USBC to enforce applicable requirements of this chapter and the USBC for alterations and additions to manufactured homes, and may enforce the USBC for maintenance of the homes.
6. ~~Local code officials shall enforce the requirements of the USBC applicable to for~~ utility connections, site preparation, foundations, stoops, decks, porches, alterations and additions to existing manufactured homes, building permits, skirting, certificates of use and occupancy, and all other applicable requirements, except those governing the design and construction of the labeled units.
7. ~~In addition,~~ local code officials ~~may~~ shall verify that a manufactured home displays the required HUD label .
8. ~~Local code officials may verify that noneonforming items have been corrected .~~

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VIRGINIA CERTIFICATION STANDARDS

13 VAC 5-21-10. Definitions.

A. The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Applicant" means a person seeking a certificate ~~from the BHCD~~ .

"BCAAC" means the Building Code Academy Advisory Committee appointed ~~by the BHCD~~ under pursuant to subdivision 7 of § 36-137 of the Code of Virginia.

~~"BHCD" means the Virginia Board of Housing and Community Development.~~

"Certificate" means a certificate of competence issued pursuant to subdivision 6 of § 36-137 of the Code of Virginia concerning the content, application, and intent of specified subject areas of the building and fire prevention regulations promulgated by the ~~BHCD~~ Virginia Board of Housing and Community Development and issued to present or prospective personnel of local governments and to any other persons seeking to become qualified to perform inspections pursuant to Chapter 6 (§ 36-97 et seq.) of Title 36 of the Code of Virginia, Chapter 9 (§ 27-94 et seq.) of Title 27 of the Code of Virginia, and any regulations adopted thereunder, who have completed training programs or in other ways demonstrated adequate knowledge.

"Certificate holder" means a person to whom ~~the BHCD has issued~~ a certificate has been issued .

"Code academy" means the Virginia Building Code Academy established under subdivision 14 of § 36-139 of the Code of Virginia or individual or regional training academies accredited by ~~DHCD~~ the Department pursuant to subdivision 7 of § 36-137 of the Code of Virginia.

"DFP" means the Virginia Department of Fire Programs.

~~"DHCD"~~ "Department" means the Virginia Department of Housing and Community Development.

"SFPC" means the Virginia Statewide Fire Prevention Code (13 VAC 5-51).

"State Review Board" means the Virginia State Building Code Technical Review Board established under § 36-108 of the Code of Virginia.

"USBC" means the Virginia Uniform Statewide Building Code (13 VAC 5-63).

"VADR" means the Virginia Amusement Device Regulations (13 VAC 5-31).

B. Words and terms used in this chapter that are defined in the USBC, VADR or SFPC and that are not defined in this chapter shall have the meaning ascribed to them in those regulations unless the context clearly indicates otherwise.

13 VAC 5-21-20. Purpose.

The purpose of this chapter is to establish standards for applicants for a ~~BHCD~~ certificate and standards to be used by ~~DHCD~~ the Department in the evaluation and determination of a person's eligibility for the issuance of ~~BHCD~~ certificates.

13 VAC 5-21-31. Qualification and examination requirements.

A. An applicant for a ~~BHCD~~ certificate in categories associated with the USBC or the SFPC shall provide a written endorsement from the code official or the code official's supervisor in the locality in which they are employed certifying that the applicant complies with the qualification section in the USBC or the SFPC for each type of certificate sought. When the applicant for a ~~BHCD~~ certificate in categories associated with the USBC or the SFPC is a nongovernment employee, the applicant shall provide documentation that the applicant complies with the qualification section in the USBC or the SFPC as it would relate to the applicant's job responsibilities for each type of certificate sought.

B. An applicant for a ~~BHCD~~ certificate in categories associated with the VADR shall provide a written endorsement from the applicant's supervisor or a person having a similar relationship to the applicant certifying that the applicant is generally qualified to conduct activities related to the VADR.

C. Applicants for all ~~BHCD~~ certificates shall provide proof of successful completion of approved examinations for each ~~type of~~ certificate sought, except as provided for in 13 VAC 5-21-45. ~~DHCD~~ The Department shall maintain a list of approved testing agencies and examinations that meet nationally accepted standards for each ~~type of~~ certificate offered. For information on approved testing agencies and examinations contact ~~the DHCD, Division of Building and Fire Regulation~~ the Department's Technical Assistance Services Office, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7180.

13 VAC 5-21-41. Certification categories and training requirements.

A. ~~DHCD shall maintain~~ The Department maintains a list of all ~~BHCD certification categories~~ certificates offered and the list ~~shall set~~ sets out the required training necessary to attend and complete to obtain a certificate. This section also contains specific training requirements for some ~~certification categories~~ certificates offered that may be duplicated on the list or that may be in addition to those ~~set out~~ on the list. Alternatives to the training requirements set out in 13 VAC 5-21-45 shall be permitted for all ~~categories on the list~~ certificates offered except that no alternative shall be accepted for the code academy core module.

~~For further information on BHCD certification categories and required training, contact: DHCD, Division of Building and Fire Regulation, 501 N. 2nd St., Richmond, VA 23219, (804) 371-7180.~~

B. Applicants for all BHCD certificates shall attend and complete the code academy core module. In addition to the completion of the core module, applicants for the following categories of BHCD certification certificates are required to attend and complete the following code academy training, except as provided for in 13 VAC 5-21-45:

Category of BHCD Certification Certificate	Code Academy Training
Building official	Advanced official module
Fire official	Advanced official module and the 1031 school as administered by DFP
Building maintenance official	Advanced official module and the property maintenance module
Fire prevention inspector	The 1031 school as administered by DFP
Amusement device inspector	Amusement device inspection module

13 VAC 5-21-45. Alternatives to examination and training requirements.

A. An applicant for a BHCD certificate with the written endorsement or documentation required by 13 VAC 5-21-31 may submit a written request to ~~DHCD~~ the Department to approve an equivalent examination by a testing agency not on the list of approved testing agencies ~~maintained by DHCD~~ to satisfy the examination requirements of 13 VAC 5-21-31. ~~DHCD may request the assistance of BCAAC~~ may be consulted with in any such consideration.

B. Upon written application by any applicant for a BHCD certificate, ~~DHCD may approve request~~, alternative training or a combination of training, education or experience to satisfy the training requirements of 13 VAC 5-21-41 may be approved, provided that such alternatives or combinations are determined to be equivalent to that required. However, as provided in 13 VAC 5-21-41, no substitutions shall be approved for the code academy core module. The types of combinations of education and experience may include military training, college classes, technical schools or long-term work experiences, except that long-term work experiences shall not be approved as the sole substitute to satisfy the training requirements. ~~DHCD may request the assistance of BCAAC~~ may be consulted with in any such consideration.

13 VAC 5-21-51. Issuance of certificates.

A. Certificates will be issued when ~~DHCD determines~~ an applicant has complied with the applicable requirements of this chapter ~~for the certification sought~~. Certificate holders will be classified by ~~DHCD~~ as active or inactive. An active certificate holder is a person who is certified and who has attended all periodic training courses designated by ~~DHCD~~ the Department subsequent to becoming certified. An inactive certificate holder is a person who is certified but has not attended all such training courses. An inactive certificate holder may request reinstatement ~~from DHCD~~ as an active certificate holder after completing make-up training courses authorized by ~~DHCD~~ the Department. ~~DHCD may also issue Provisional certificates may also be issued~~ in accordance with subsection C of this section.

B. All certificates issued by ~~the BHCD~~ since June 1978 are considered to be valid unless revoked or suspended by ~~the BHCD~~, except that provisional certificates shall remain valid as set out under subsection C of this section.

C. A provisional certificate may be issued by the ~~BHCD~~ to (i) a person who has been directed by the ~~BHCD Department~~ to obtain a certificate; (ii) an applicant requesting a certificate under the alternative examination or training provisions of 13 VAC 5-21-45; or (iii) an applicant when the required ~~DHCD or DFP~~ training has not been provided or offered.

Such a provisional certificate may be issued when the applicant has (i) provided the written endorsement or documentation required by 13 VAC 5-21-31, (ii) satisfactorily completed the code academy core module, and (iii) completed any training through the code academy or through other providers determined by ~~DHCD~~ to warrant the issuance of the provisional certificate.

The provisional certificate is valid for a period of one year after the date of issuance and shall only be issued once to any individual, except that a provisional certificate shall remain valid when the required ~~DHCD or DFP~~ training has not been provided or offered.

13 VAC 5-21-61. Sanctions.

When the ~~BHCD~~ determines a certificate holder has failed to comply with an order issued by the State Review Board or failed to meet the required training or testing requirements, ~~then~~ a warning letter may be issued and kept in records by ~~DHCD~~ for that individual to the certificate holder or a certificate issued under this chapter may be revoked or suspended by the ~~BHCD~~. Any action taken pursuant to this section shall be retained in the training record of the certificate holder.

13 VAC 5-21-70. ~~Appeal~~ Appeals .

~~Decisions of the BHCD regarding an applicant for a certificate or a certificate holder shall be final unless appealed.~~

~~Actions under this regulation are governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and are subject to judicial review in accordance with that law.~~

In accordance with § 36-114 of the Code of Virginia, the State Review Board shall have the power and duty to hear all appeals from decisions arising under application of this chapter. In addition, as a requirement of this chapter, an appeal shall be filed within 30 days of the receipt of the decision being appealed.